



Consolidated Bylaw,

Chapter 5:

# **NAVIGATION SAFETY BYLAW**

**28 September 2015**



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# COMMON PROVISIONS

## 1. PRELIMINARY PROVISIONS

### 1.1 Title and commencement

- 1.1.1 This Bylaw is (and may be cited as) the Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015.
- 1.1.2 These Bylaws come into force on 14 September 2015

### 1.2 Revocation of Bylaw

- 1.2.1 The Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety 2005, and all amendments to that Bylaw made under section 684B of the Local Government Act 1974, are revoked upon commencement of these Bylaws.

### 1.3 Savings

- 1.3.1 Every licence, permit or other authorisation in force under the Bylaw specified in 1.2.1 at the time this Bylaw comes into force, shall continue to have effect until the time and date of its expiry, or 14 days after written notice of revocation, or 1 October 2015, whichever is the earlier.

### 1.4 Purpose

- 1.4.1 This Bylaw is made for the purpose of ensuring maritime safety in the Tasman District.

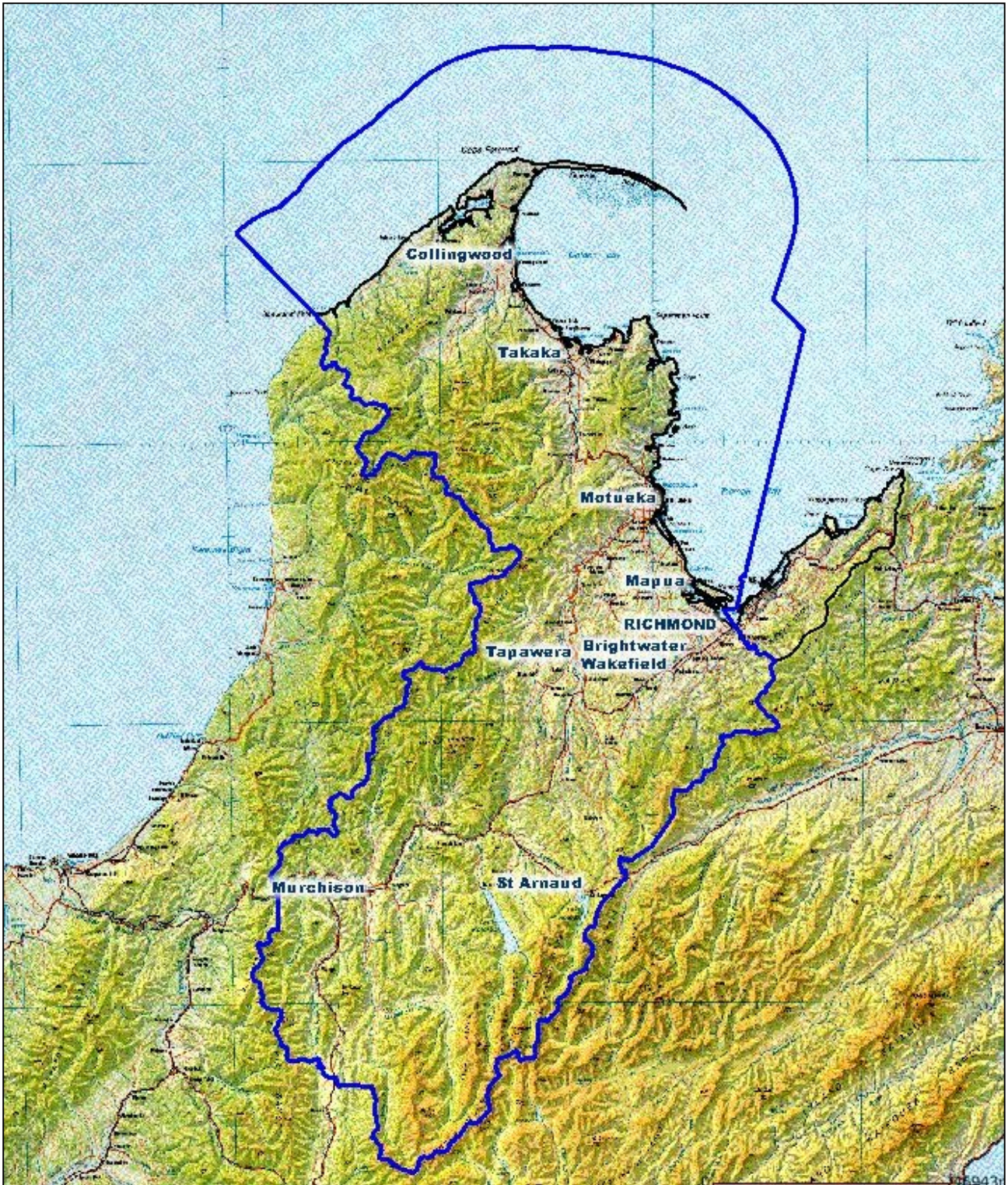
### 1.5 Legal Basis

- 1.5.1 This Bylaw is made pursuant to Part 3A (Section 33M) of the Maritime Transport Act 1994. Harbourmasters and others appointed under 33G of the Act are empowered to issue infringement notices for offences under the Maritime Offences Regulations 1998.
- 1.5.2 Where this Bylaw is inconsistent with any regulations or rules made under the Maritime Transport Act 1994, or the Resource Management Act 1991, then that Act, Rule or Regulation prevails.

### 1.6 Application

- 1.6.1 This bylaw applies to all navigable waters and maritime facilities within the Tasman Region. This includes all Council owned or controlled maritime facilities, moorings and related structures within the District, and any associated land dedicated to maritime purposes (including reclamations), as listed in [Schedule 4](#).

*Advice note: The nominal regional boundary is shown as a blue outline in Figure 1 below.*



**Figure 1: Nominal Tasman District Regional Council Boundaries**

*Advice note: Waters within the District may be subject to regulatory oversight in addition to that provided by the Maritime Transport Act 1994. Users of rivers, lakes, and the coastal marine area that are within areas administered by the Department of Conservation should note that certain navigation activities are regulated in accordance with the Conservation Act 1987 or other enactments listed in schedule 1 of that Act (including policies, bylaws or regulations made and enforceable under these enactments). The Department of Conservation should be contacted for further information.*

## 1.7 Definition of terms

1.7.1 Terms in these Bylaws shall have the meaning below, or if not listed here or the context otherwise requires, the same meaning as in the Maritime Transport Act 1994 or Maritime Rules Part 22 or Part 91:

<b>Able Tasman Foreshore Scenic Reserve (ATFSR)</b>	the Abel Tasman Foreshore Scenic Reserve Management Plan is a statutory document that implements the Nelson Marlborough Conservation Management Strategy and provides for the management of Abel Tasman Foreshore Scenic Reserve in accordance with the Reserves Act 1977, the Conservation Act 1987 and Conservation General Policy 2005.
<b>Access Lane</b>	means an access lane referred to in Bylaw 3.5
<b>Act</b>	means the <u>Maritime Transport Act 1994</u> .
<b>Aircraft</b>	means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth.
<b>Anchorage</b>	in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by council or not.
<b>Anchoring</b>	means the securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the site or anchorage.
<b>Authorised Council Officer</b>	means a Harbourmaster or Enforcement Officer, and any other person appointed from time to time as a Harbour Manager or a Wharfinger (in relation to a specific wharf, jetty or other maritime facility)
<b>Beacon</b>	means a light or mark set up as a navigation mark or a warning to vessels.
<b>Berth</b>	means any structure erected or maintained for the temporary or permanent mooring of any vessel and includes any wharf, jetty, berth, pile or other structure provided for the mooring of vessels within any marina, port or harbour.
<b>Body board</b>	means a buoyant board shorter than the height of the user intended for surfing in a prone or kneeling attitude, and includes a boogie-board.
<b>Buoy</b>	means an anchored or moored float serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring.
<b>Coastal Permit</b>	means resource consent or other approval granted by Council for an activity in the coastal marine area pursuant to the Resource Management Act 1991.
<b>Commercial raft</b>	means a raft that is not a pleasure craft.

<b>Commercial ship</b>	means a vessel that is not: (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail.
<b>Commercial vessel licence</b>	This is a license required for commercial ships and other vessels operating for commercial purposes within the Tasman District waters. This may include novel or manually or wind powered craft not otherwise subject to relevant Maritime Rules.
<b>Council</b>	means the Tasman District Council as constituted under the <a href="#">Local Government Act 2002</a> , and any committee or person who has been delegated authority to exercise any specified powers or discretion vested in Council pursuant to these bylaws, or the Act, or the Local Government Act 2002.
<b>CPC placard</b>	means a New Zealand Boatbuilding Safety Compliance Plate issued in accordance with the requirements of the Boating Industries Association of New Zealand and the Royal New Zealand Coastguard Federation.
<b>Craft</b>	has the same meaning as vessel.
<b>Crew</b>	means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port.
<b>Director</b>	means the Director of Maritime New Zealand appointed under section 439 of the Maritime Transport Act 1994.
<b>District</b>	means the Tasman District or Tasman Region as constituted under the Local Government Act 2002.
<b>Emergency Service Vessel</b>	means any vessel operated by Coastguard New Zealand, an affiliated New Zealand Surf Lifesaving Club, New Zealand Police, the Kaiteriteri Recreation Reserves Board or Tasman District Council, or any other vessel designated for the time being as an emergency service vessel by a Harbourmaster, or a member of New Zealand Police.
<b>Enforcement Officer</b>	means a person appointed as an Enforcement Officer under Part 3A of the Act.
<b>Foreshore</b>	means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, but does not include any area that is not part of the coastal marine area.
<b>Harbour Manager</b>	means the person contracted by Tasman District Council to provide harbour manager services for the specified harbour or maritime facility, or that person's delegate.
<b>Harbourmaster</b>	means a person appointed by Tasman District Council as a Harbourmaster or Deputy Harbourmaster under Part 3A of the Act.



<b>Honorary Enforcement Officer</b>	means a person appointed as an Enforcement Officer under Part 3A of the Act, with limited powers, who is not a staff member of or contractor to Council, and includes persons appointed by Tasman District Council as Honorary Launch Wardens.
<b>Inland Waterway</b>	means any lake, stream, river or other wholly or predominantly freshwater body, but excludes those areas of such waters that form part of the Coastal Marine Area as defined for Tasman District pursuant to the Resource Management Act 1991.
<b>Leash</b>	means a leash, lanyard or similar tether attached to a surfboard, paddleboard, body board, stand-up paddleboard or similar craft and intended to be fastened to the body of the operator to prevent separation from the board.
<b>Length</b>	in relation to a vessel, means overall length.
<b>Lifejacket</b>	has the same meaning as personal flotation device.
<b>Macrofouling</b>	means large, distinct multicellular organisms visible to the human eye, such as barnacles, mussels, algal fronds and other large attached or mobile organisms.
<b>Marine Farm</b>	means any structure situated in the area controlled by this Bylaw for any of the purposes of enhancement, breeding, hatching, catching, cultivating, rearing, or on-growing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes farming or the taking or holding of spat, or is investigative, experimental, or commercial in nature.
<b>Maritime Facility</b>	means the singular or aggregate of any installations on land or the foreshore provided to support the operation and activities of commercial and/or recreational vessels, within any discrete port or harbour, including any such facility in, on or adjacent to the Coastal Marine Area or any inland waterway, and includes: <ul style="list-style-type: none"> <li>(a) Moorings, wharves, docks, quays, marinas, areas or other places where ships are maintained; and</li> <li>(b) Launching ramps; and</li> <li>(c) Other launching facilities.</li> </ul>
<b>Master</b>	means any person having command or charge of a vessel, and includes a skipper.
<b>Microfouling</b>	means a layer of microscopic organisms including bacteria and diatoms and the slimy substances that they produce.
<b>Moorings</b>	means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure; and includes any wire, rope, buoy, or other device attached or connected to the weight; but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

<b>Mooring Area</b>	means an area from time to time designated by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage.
<b>Nautical Mile</b>	means a standard nautical mile of 1852 metres, and may be abbreviated as NM.
<b>Navigable Waters</b>	means any waters, whether coastal or inland, which are able to be navigated; and includes harbours.
<b>Navigate</b>	means the act or process of managing or directing the course of a vessel on, through, over, or under the water.
<b>New Zealand Ship</b>	has the same meaning as in the Maritime Transport Act 1994, which includes almost all recreational and commercial craft likely to be navigating in the waters subject to these Bylaws.
<b>New Zealand Waters</b>	means: <ul style="list-style-type: none"> <li>(a) the territorial sea of New Zealand; and</li> <li>(b) the internal waters of New Zealand; and</li> <li>(c) all rivers and other inland waters of New Zealand.</li> </ul>
<b>Overall Length</b>	In relation to a vessel, means total overall length including fixtures or attachments such as bowsprits, self steering gear and davits.
<b>Overnight</b>	In relation to occupation of a wharf, jetty or mooring, means for at least four hours in the period between sunset on one day and sunrise on the next day.
<b>Owner</b>	<ul style="list-style-type: none"> <li>(a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship;</li> <li>(b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship;</li> <li>(c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner with the Ministry of Primary Industries or its successor, whether under any regulation or statute or not;</li> <li>(d) in relation to a ship to which paragraph (a), (b) or (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible</li> <li>(e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship;</li> <li>(f) in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway.</li> </ul>

<b>Paddlecraft</b>	means a vessel, board, or similar craft with an open or enclosed cockpit, manually powered by a craft's occupant(s), primarily from a standing, seated or kneeling position, using single or double bladed oars as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements; and includes kayaks, standup paddle boards, canoes, surf skis, sit on top style kayaks, and waka ama; but does not include a raft maneuvered solely by paddles.
<b>Parasailing or Paragliding</b>	means gliding or flying by use of a parachute or kite either towed by a vessel or released from a vessel.
<b>Part 22</b>	means <a href="#">Maritime Rules Part 22 – Collision Prevention</a> , made under the Maritime Transport Act 1994; and Rule 22.xx or similar refers to a specific rule or sub-rule within that Part.
<b>Part 91</b>	means <a href="#">Maritime Rules Part 91 – Navigation Safety Rules</a> , made under the Maritime Transport Act 1994; and Rule 91.xx or similar refers to a specific rule or sub-rule within that Part.
<b>Person In Charge Of A Vessel</b>	means the master.
<b>Personal Flotation Device</b>	has the same meaning as in Maritime Rules Part 91, and includes a lifejacket.
<b>Personal Water Craft (PWC)</b>	is a powered recreational craft that: <ul style="list-style-type: none"> <li>(a) has a fully enclosed hull; and</li> <li>(b) does not take on water if capsized; and</li> <li>(c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.</li> </ul>
<b>Pleasure Craft</b>	“(a) means a ship that is not offered or used for hire or reward, and is used exclusively for— <ul style="list-style-type: none"> <li>“(i) the owner's pleasure or as the owner's residence; or</li> <li>“(ii) recreational purposes by— <ul style="list-style-type: none"> <li>“(A) the members of a club that owns the ship:</li> <li>“(B) the beneficiaries of a trust that owns the ship:</li> <li>“(C) the members of an incorporated society that owns the ship; but</li> </ul> </li> <li>“(b) excludes a ship that is— <ul style="list-style-type: none"> <li>“(i) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:</li> <li>“(ii) used on a voyage for pleasure if the ship is normally used, or intended to be normally used, as a fishing ship or for the carriage of passengers or cargo for hire or reward:</li> <li>“(iii) operated or provided by— <ul style="list-style-type: none"> <li>“(A) a club, incorporated society, or trust for non-recreational purposes; or</li> <li>“(B) a business.”</li> </ul> </li> </ul> </li> </ul>

<b>Powered Vessel And Power-Driven Vessel</b>	means any vessel propelled by machinery.
<b>Proper Speed</b>	means speed through the water.
<b>Publicly Notify</b>	means to publish a notice in one or more newspapers circulating in the region to which this bylaw applies. This includes the Tasman District Council's Newline Magazine. If newspaper notification is not practicable this also includes publishing on the Tasman District Councils Website.
<b>Raft</b>	(a) means an inflatable craft manoeuvred by— (i) oars or paddles; or (ii) a combination of oars and paddles; but (b) does not include inflatable kayaks, white water sledges, tubes, or equipment used for river surfing
<b>Recreational Craft</b>	means a vessel that is: (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail
<b>Regional Council</b>	has the meaning given to it in section 5(1) of the Local Government Act 2002
<b>Reserved Area</b>	means an area reserved for a specified maritime safety purpose by these bylaws, and includes an area temporarily reserved for an organised water activity.
<b>River</b>	includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides.
<b>Reward</b>	means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.
<b>Row</b>	means to propel a vessel manually powered solely by the vessel's occupant(s) using oars with a fulcrum provided by rowlocks, thole pins, crutches or like arrangements; and the terms rowing and rowed have commensurate meanings.
<b>Rule</b>	means the Maritime Rule made under the Act that corresponds with the number following this term.
<b>Sailboard</b>	means any type of board which is propelled on water by the wind via a detachable sail or kite apparatus and which is operated by a person sitting or standing on the board.
<b>Seaplane</b>	means a flying boat or any other aircraft designed to manoeuvre on the water, and under these bylaws is deemed to be a vessel when operating on the water.

<b>Seaworthy</b>	means being in a fit condition of readiness to safely undertake a voyage commensurate with the size and type of vessel.
<b>Ship</b>	has the same meaning as vessel.
<b>Shore</b>	when referring to distance from shore, means distance from the water's edge; or in locations where Council has placed one or more yellow buoys with markings that include the words "5 knots", inshore of that buoy or the nominal line or curve formed by those buoys.
<b>Skipper</b>	has the same meaning as Master.
<b>Speed</b>	means proper speed (speed through the water) unless otherwise specified.
<b>Structure</b>	<p>(a) means any building, equipment, device, or other facility made by people and which is fixed to land; and</p> <p>(b) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline of the foreshore; but</p> <p>(c) does not include navigation buoys.</p>
<b>Sunrise</b>	means the time of sunrise as predicted in the New Zealand Nautical Almanac, NZ 204, for Nelson.
<b>Sunset</b>	means the time of sunset as predicted in the New Zealand Nautical Almanac, NZ 204, for Nelson.
<b>Surfboard</b>	means a buoyant board that is typically longer than the trunk of the operator and is intended to primarily be propelled either manually by the operator paddling with the hands from a prone or kneeling position, or by the energy of a wave, and surfing and to surf have commensurate meanings.
<b>Tasman Resource Management Plan (TRMP)</b>	The Tasman Resource Management Plan (TRMP) is the Council's combined district and regional plan. The Plan has been prepared in accordance with the Resource Management Act 1991 to assist Council in the sustainable management of natural and physical resources of the District. The Plan contains objectives, policies and methods, including rules, to manage issues affecting people and communities, ecosystems, land, rivers, air and water.
<b>Type 5 sign</b>	means a triangular sign or beacon of the type described in <a href="#">Appendix E of "Safety Management of Power Line Waterway Crossings – A Guide" published by MaritimeNZ in May 2006</a> , and which may be installed on the shore near the point where a submarine cable or pipeline enters or leaves the water.

**Vessel**

means every description of ship, boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- (a) a barge, lighter, or other like vessel
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates
- (c) a submarine or other submersible
- (d) a seaplane while it is on the surface of the water.

**Water skiing**

means to tow, or cause or allow to be towed, behind any vessel any person barefoot, or on water ski(s), aquaplane, board, inflatable device, paraglider or any similar object. 'Water ski' and 'to water ski' have commensurate meanings.

## 2. APPLICATION OF MARITIME RULES

*The current version of any Maritime Rule may be downloaded or viewed at [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz) or by contacting the offices of Maritime New Zealand.*

### 2.1 Navigation Safety Rules

- 2.1.1 No person may operate any ship or undertake any other action in breach of Maritime Rules made under the Maritime Transport Act 1994. Particular reference should be made to Part 91 – Navigation Safety Rules - [Part 91](#).
- 2.1.2 Notwithstanding Bylaw 2.1.1, provisions of this Bylaw may impose additional obligations regarding certain matters generally or specifically included in Maritime Rules in the interest of ensuring maritime safety in Tasman District.
- 2.1.3 Every person commits an offence who fails to comply with any provision of Maritime Rules, or this Bylaw - where any additional provision to Maritime Rules is made for local purposes pursuant to Bylaw 2.1.2.

### 2.2 Collision Prevention Rules

- 2.2.1 No person may operate any ship in breach of Maritime Rules Part 22: Collision Prevention made under the Maritime Transport Act 1994 - [Maritime Rules Part 22](#).
- 2.2.2 Notwithstanding Bylaw 2.2.1, provisions of these Bylaws may impose additional obligations regarding certain matters generally or specifically included in Part 22, in the interest of ensuring maritime safety in Tasman District.
- 2.2.3 Every person commits an offence who fails to comply with any provision of Part 22, or the relevant Bylaw in relation to any additional provision imposed for local purposes pursuant to Bylaw 2.2.2.

## 3. SPECIFIC OPERATING REQUIREMENTS

### 3.1 Use of Personal Floatation Devices (PFDs) (Rule 91.4)

- 3.1.1 For the avoidance of doubt, situations to which the provisions of Rule 91.4(6) (PFDs must be worn) apply under this bylaw include (but are not limited to) –
  - (a) when a motorised vessel is being navigated at speeds in excess of 10 knots in any river
  - (b) when crossing any bar
  - (c) when a vessel is being navigated at speeds in excess of ten knots during darkness or restricted visibility.
  - (d) when operating any vessel that lacks a substantially enclosed helming position at speeds in excess of 30 knots.
  - (e) when operating at speeds in excess of 10 knots where there is limited room to manoeuvre (such as in a water-ski lane or narrow channel).

## 3.2 Minimum Age for Operating Powered Vessels (Rule 91.5)

- 3.2.1 The Harbourmaster may issue an exemption in accordance with Rule 91.5(3) that is valid for any specified place or places within the District to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbourmaster considers that the person -
- (a) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
  - (b) is aware of relevant maritime rules and navigation bylaws; and
  - (c) will be under adequate supervision during the proposed activity or activities.

## 3.3 Speed Of Vessels (Rule 91.6)

### 3.3.1 Speed limit inshore of 5 knot buoys

- (a) No person shall, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots on the inshore side of any yellow buoy or the nominal line or curve formed by a group of yellow buoys placed by Council and intended to demarcate that nominal distance from a shore or structure.

*Advice note 3.3.1(i); With respect to restrictions under Maritime Rules or these Bylaws regarding speed of vessels within defined areas or within 200 metres of shore, that speed limit shall apply within 200 metres of the actual water's edge at any given time, except where yellow buoys have been placed by Council to define a nominal boundary or nominal 200m range from shore, in which case the specified speed limit shall apply shoreward of that nominal line or curve as the case may be.*

*Advice note 3.3.1(ii); The yellow buoys referred to are marked with the number 5 inside a circle, or "Max Speed 5 knots" or similar if singular, and in all cases are identified with the letters TDC and/or a Council logo. If part of a group forming a nominal line or curve, some may be plain spherical yellow buoys but at least one shall be marked as above. These clauses are in place to reduce uncertainty in situations where tidal range or other practical considerations make it impractical for 5 knot marker buoys to be at or close to 200m from the shore or structure.*

### 3.3.2 Allowance to navigate in currents

- (a) It shall be a reasonable excuse within the tidal portion of any river or estuary, to exceed 5 knots proper speed where it is necessary to maintain forward progress or adequate steerage. Due regard to the density of vessel traffic and other water users must be given, and vessels must navigate at the slowest safe speed that results in a minimal wake and must not exceed 5 knots over ground.
- (b) For the avoidance of doubt, in this bylaw where an area reserved as a transit lane has a defined maximum speed limit that exceeds 5 knots, that speed limit shall be the maximum speed allowed.

### 3.3.3 Speed of vessels in anchorages and other specified areas

No person may propel or navigate a vessel (including a tender and including a vessel towing someone or some object) at a proper speed exceeding 3 knots in the anchorages or areas specified and during the



periods specified for those anchorages or areas in [Schedule 2 Clause 4](#).

#### 3.3.4 **Speed limit upliftings for access lanes**

The access lanes within which the speed limit is uplifted within 200 metres of shore are those referred to in this Bylaw 3.5.

#### 3.3.5 **Speed limit upliftings for reserved areas**

The reserved areas within which the speed limit is uplifted within either or both of -

(a) 50 metres from any vessel, raft or person in the water;

(b) 200 metres of shore or a structure;

are those allowed for in this Bylaw 3.7.2(a) or 3.13 and within which a speed limit uplifting is specified in the associated schedule or temporary authorisation.

#### 3.3.6 **Temporary or permanent speed limit upliftings**

(a) Pursuant to Bylaw 3.13 areas of Tasman District waters may be subject to **temporary** speed limit upliftings - see <http://www.tasman.govt.nz/link/marine-events>.

(b) Pursuant to Bylaw 3.14 areas of Tasman District waters may be subject to **permanent** speed limit upliftings (see Schedule 2, clause 6).

*Advice note 3.3.6(i); The rules referred to in 3.3.6 (a) & (b) allow for speed to exceed 5 knots within 50m of a person in the water or a vessel or raft on a river, or to exceed 5 knots within 200m of the shore on any inland waterway. Note that the speed limit within 200m of a diver's flag may not be uplifted in any circumstance; however, divers may be excluded from an area by a reservation.*

### 3.4 **Wake (Rule 91.7)**

In addition to Rule 91.7 and subject to Bylaw 3.3, every person who propels or navigates a commercial vessel must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, or structures or of harm to other persons.

### 3.5 **Conduct In Access Lanes (Rule 91.10)**

The access lanes to which Rule 91.10 applies are those defined in [Schedule 2, Clause 3](#).

*Advice note 3.7(i): Pursuant to 91.10(4) and (5), unattended fishing apparatus should not be set in an access lane, nor should a vessel be left unattended at anchor or beached (unless pulled completely out of the water) within an access lane.*

### 3.6 **Marking Of Access Lanes (Rule 91.11)**

3.6.1 The access lanes to which Rule 91.11 applies are those defined in [Schedule 2, Clause 3](#) of this Bylaw. For the avoidance of doubt, all access lanes authorised by previous Bylaws, rules or regulations made under any act have no effect or legal status.

- 3.6.2 If an access lane defined in Bylaw 3.6.1 is not demarcated or indicated by a post or posts as described in Rule 91.11(a) at any given time, no person may exercise the privilege of using the access lane for its designated purpose.
- 3.6.3 Where an access lane is marked with buoys, the seaward or otherwise outer limit of the access lane is deemed to be as marked by the outermost buoy on each side.

*Advice Note 3.6(i); Due to the large tidal ranges experienced in this district, and the shallow slope of many beaches, the outermost buoys may be placed more than 200 metres from the water's edge at high tide, or less than 200 metres at low tide. In such cases, every vessel exceeding 5 knots seaward of the outermost buoys is deemed to be compliant with Rule 91.6(1) (b), and the speed limit of 5 knots shall apply to all vessels inshore of the outer buoys except for vessels engaged in waterskiing. Where there are no buoys in place the seaward extent shall be 200 metres from the water's edge at any given time.*

### **3.7 Reserved Areas (Rule 91.12)**

- 3.7.1 The reserved areas to which Rule 91.12 applies are those defined in [Schedule 2, Clause 5](#). For the avoidance of doubt, all reserved areas authorised by previous Bylaws, Rules or regulations made under any act have no effect or legal status.
- 3.7.2 **In addition to Rule 91.12, Activities in reserved areas**
- (a) Specific conditions may be listed in Schedule 2, Clause 5 in addition to the purpose or purposes of any reserved area.
  - (b) No person shall undertake any activity listed as prohibited by Schedule 2, Clause 5 in those areas in which they are prohibited by Schedule 2, Clause 5
  - (c) No person shall undertake any activity in breach of any condition listed in Schedule 2, Clause 5 in relation to that specific reserved area.
- 3.7.3 Other than in areas where powercraft are permanently excluded, if one or more persons are using a reserved area for the purpose for which it is reserved, no person may enter, remain in or use the reserved area for any other purpose.
- 3.7.4 Where a reserved area is marked with buoys, the seaward or otherwise outer limit of the area is deemed to be as marked by the outermost buoy or buoys.

*Advice note 3.7(i) relating to areas reserved for a purpose which allows for exceedance of the 5 knot speed limit within 200m of shore: Due to the large tidal ranges experienced in this district, and the shallow slope of many beaches, the outermost buoys may be placed more than 200 metres from the water's edge at high tide, or less than 200 metres at low tide. In such cases, every vessel exceeding 5 knots seaward of the outermost buoys is deemed to be compliant with Rule 91.6(1) (b), and the speed limit of 5 knots shall apply to all vessels inshore of the outer buoys except for vessels lawfully entitled to exceed the speed limit by virtue of being engaged in the activity for which the area is reserved. Where there are no buoys in place the seaward extent shall be 200 metres from the water's edge at any given time, or as shown on the appropriate map in Schedule 2, whichever is further from shore.*

### **3.8 Anchoring And Obstructions (Rule 91.13)**

#### **3.8.1 Duty of an anchored vessel in relation to a moored vessel.**

- (a) No person may anchor a vessel so as to create a hazard to or be endangered by a vessel on an authorised mooring.
- (b) The master of any vessel anchored so as to create a hazard to or be endangered by any vessel intending to rightfully use an authorised mooring shall, upon request of the Master of such vessel, depart or relocate to an alternative anchoring position without undue delay.

#### **3.8.2 Buoys to be labelled and visible**

- (a) No person shall place a marker buoy in any waters of the District unless that buoy is clearly and indelibly marked, or fitted with a tag, showing at least one of the following:
  - (i) the owner's initials and surname, and contact telephone number or address; or
  - (ii) In the case of fishing apparatus markers, as required by the [Fisheries Act 1996](#); or
  - (iii) In the case of a mooring or other structure authorised in accordance with the [Tasman Resource Management Plan](#), with the coastal permit or mooring licence number and maximum length of vessel permitted to use the mooring, or otherwise as specified by Council for that mooring or other structure.
- (b) No person shall place a marker buoy in any waters of the District unless that buoy is sufficiently buoyant to remain at least 50% afloat or otherwise clearly visible in all anticipated tidal conditions.
- (c) Any buoy, and/or any apparatus, item or structure marked by a buoy that has been placed in breach of 3.8.2(a) or (b) may be removed by or on behalf of the Harbourmaster, or appropriately labelled, or replaced with a compliant buoy as the case may be, and any costs incurred in so doing shall be a debt due to Council.
- (d) Any buoy and any apparatus, item or structure removed pursuant to 3.8.2(c) may be temporarily marked with the letters "TDC" and relocated to a suitable place, or removed from the water and stored for a minimum of 28 days, and Council shall be entitled to charge a reasonable fee for any such storage.
- (e) Where any fishing apparatus is removed pursuant to subclause (c), the Harbourmaster shall advise the Ministry for Primary Industries of the date, time and location of removal and a description of the apparatus.

- (f) Any item subject to 3.8.2(c) may be claimed by contacting the Harbourmaster within 28 days, and shall be made available for collection by the owner upon payment of any costs or fees incurred.
  - (g) Any item subject to 3.8.2 (c) that remains unclaimed after 28 days may be disposed of by the Harbourmaster as he or she sees fit.
- 3.8.3 Unattended fishing apparatus should not be set in a reserved area, nor should a vessel be left unattended at anchor or beached (unless pulled completely out of the water) within a reserved area (unless the area is reserved for the purpose of anchoring).

### **3.9 Navigation Aids (Rule 91.14)**

- 3.9.1 Any person who wilfully or through negligence causes damage to, loss of or mislocation of an aid to navigation, shall be liable for any costs associated with any repairs to, or re-establishment of the aid to navigation, and such costs shall be a debt due to the owner of the aid to navigation or any other party that reasonably incurred such costs.
- 3.9.2 Any person who causes damage to, loss of or mislocation of an aid to navigation, shall report the same to the Harbourmaster as soon as practicable.
- 3.9.3 No person may erect, maintain or display any beacon, light, mark, buoy or other device which may be used or mistaken as an aid to navigation without the approval of the Harbourmaster
- 3.9.4 No person may erect a Type 5 submarine cable or pipeline crossing sign without the written permission of the Harbourmaster.
- 3.9.5 Any beacon, light, mark, buoy or other device erected in breach of Bylaws 3.9.3 or 3.9.4 may be removed at the direction of the Harbourmaster, and any costs incurred in so doing shall be a debt due to Council by the owner of the item.

### **3.10 Flags and Signals (Rule 91.18)**

- 3.10.1 The master of any vessel shall not allow that vessel to approach within 200 metres of any other vessel that is showing Flag B or an all-round red light at the masthead; except
- (a) with the permission of the Harbourmaster; or
  - (b) for the purpose of loading or unloading that other vessel; or
  - (c) for the purpose of rendering assistance to that other vessel in an emergency.
- 3.10.2 The master of any vessel carrying more than 27 kilograms of explosives in any port, harbour, roadstead, or anchorage must not allow that vessel to approach within 200 metres of any other vessel, except:
- (a) with the permission of the Harbourmaster; or
  - (b) for the purpose of loading or unloading that other vessel; or
  - (c) for the purpose of rendering assistance to that other vessel in an emergency.

### **3.11 Duty of Master of a Vessel under 500 Gross Tonnage (Rule 91.16)**

The harbour area to which Rule 91.16 applies is as shown and described in [Schedule 2 clause 7](#) of these Bylaws.

### **3.12 River Safety Rules (Rule 91.17)**

- 3.12.1 A number of lengths of river across the District are subject to permanent speed limit uplifting (subject to certain conditions). See [Schedule 2 clause 6](#).
- 3.12.2 When operating jet boats, personal water craft and other vessels at speed in rivers all occupants must wear a suitable lifejacket.

### **3.13 Temporary Events (Rule 91.19)**

- 3.13.1 Any person intending to conduct an organised water activity in the area where these navigation bylaws apply must make an application to the Harbourmaster. Additionally they may apply to the Harbourmaster to:
- (a) temporarily suspend the application of any part of these Bylaws during the conduct of the race, speed trial, competition or other organised water activity (refer clause 3.3); and
  - (b) to temporarily reserve the area for the purpose of that activity.
- 3.13.2 No application under 3.13.1 shall be successful unless, not less than 7 days, or more than 28 days before the commencement of the activity, the event is publicly notified including details of the period of the activity, and details of the suspension or reserved area.
- 3.13.3 The Council may recover such actual and reasonable costs as it may consider appropriate in relation to such events.

*Advice note 3.13(i): Where an authorisation has been granted for an organised water activity under this Bylaw, details will also be made available on Councils website at <http://www.tasman.govt.nz/recreation/boating-fishing/special-events-and-activities/>. Information for applicants for temporary reservations and speed limit upliftings is also on that webpage.*

### **3.14 Permanent speed upliftings (Rule 91.20)**

In accordance with Rule 91.20 for Tasman District waters the areas where permanent speed upliftings apply are shown in [Schedule 2, Clause 6](#).

## **3A ADDITIONAL REGIONAL NAVIGATION SAFETY RULES**

The rules in this section of the bylaw relate to local matters which are not addressed generically under Maritime Transport Act and reflect local circumstances.

### **3.15 Safety devices to be used if fitted**

No person shall operate a paddle craft, paddleboard, stand up paddleboard, surfboard or body board that is fitted with a leash unless the leash is appropriately fastened to the operator's body.

### **3.16 Swimming Or Diving Around Wharves and Ramps**

- 3.16.1 No person may dive, swim or undertake other related activities, from Tarakohe Wharf, or Motueka Wharf or within 30 metres of these structures, or any other such areas in the District as the Harbourmaster may from time to time determine and notify with signage in the vicinity, unless the person does so in accordance with the prior consent of the Harbourmaster and abides by any conditions they require.

- 3.16.2 Notwithstanding 3.16.1, no person may dive, swim or undertake other related activities; in the vicinity of any wharf, jetty, boat ramp, recognised boat launching area or area reserved under these Bylaws as a transit lane or for the purpose of accessing a beach; in such a manner as to obstruct any vessel manoeuvring to or from the wharf or jetty, or launching from or retrieving to a trailer, or legitimately using the transit or access area.

### 3.17 Use of Vessel Engine around Wharves and Ramps

#### 3.17.1 Duty to avoid scouring or risk at ramps and wharves

No person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading to or from a boat trailer at any ramp, in such a way that it may damage any property, scour the bed of the waterway, or injure any person. This Bylaw does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

#### 3.17.2 Testing of propulsion system where not departing wharf

Any commercial vessel which is required by any Maritime Rule to carry a complement of more than two crew must station crew members forward and aft on that vessel while it is lying at any wharf and about to test or is testing a propulsion system, and warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.

### 3.18 Seaplanes

- 3.18.1 No person navigating a vessel may wilfully impede a seaplane in the process of landing or taking off.
- 3.18.2 No person may take-off, land, or attempt to take-off or land any seaplane or other aircraft in any area identified in [Schedule 2, Clause 1](#) without the permission of the Harbourmaster.

*Advice note 3.18(i): Seaplane operators should also comply with rules relating to their activities specified in the [Tasman Resource Management Plan](#) (Chapter 25.3.3), made under the Resource Management Act 1991. To paraphrase, landings and takeoffs in the Coastal Marine Area are permitted, unless within 500m of shore within any area of nationally or internationally important natural ecosystem values as specified in Schedule 25D, in which case resource consent is needed.*

*Advice note 3.18(ii): Seaplanes are subject to the same rules as any other vessel when on the water, so are also excluded from using any access lane or reserved area set aside for any other purpose, if it is in use for that purpose, and from exceeding 5 knots within 200m of shore, structure or Flag A and within 50m of any other vessel or a person in the water, and other relevant provisions of Bylaws, Rules and the Act.*

*Advice note 3.18(iii): the landing and taking off of seaplanes within the areas administered by the Department of Conservation are also regulated in accordance with the Conservation Act 1987 or other enactments listed in schedule 1 of that Act (including policies bylaws or regulations made and enforceable under these enactments), The Department of Conservation should be contacted for further information.*

### 3.19 Sound and light signals

No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any port, anchoring or mooring area, except as a navigation safety signal. Nothing in this Bylaw precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf or mooring.

### **3.20 Prohibited Anchorages**

- 3.20.1 No person may anchor or moor any vessel in such a manner that the vessel or associated equipment are within any prohibited anchorage as prescribed in [Schedule 2, Clause 2](#).
- 3.20.2 No person may anchor or moor a vessel within 25 metres of the nominal line between any pair of Type 5 submarine crossing signs, or where such crossings are shown on a nautical chart for that area.

### **3.21 Damage to submarine cables or pipes**

- 3.21.1 Any person who causes damage to any submarine cable or pipe by acting in contravention of this Bylaw 3.20 shall be liable for any repair and incidental costs incurred by the owner of the cable or pipe.
- 3.21.2 Every person who believes they may have fouled a submarine cable or pipeline shall take all practicable steps to minimise damage, including slipping and buoying the anchor and notifying the Harbourmaster without delay.

### **3.22 Notification of accidents, incidents and mishaps**

- 3.22.1 The master of any vessel that:
- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become damaged due to unintentionally stranding in any waterway; or
  - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation, or to give rise to danger to other vessels or property; or
  - (c) in any manner gives rise to an obstruction; or
  - (d) causes any damage to any navigation aid or structure or to anything on the structure; or
  - (e) has been involved in a mishap, incident or accident that resulted in injury or death of any person
- must, as well as complying with the reporting requirements of [Section 31 of the Maritime Transport Act 1994](#), as soon as practicable, report the occurrence to the Harbourmaster and within 24 hours, provide the Harbourmaster with full written details of the occurrence.
- 3.22.2 Full written details required under Bylaw 3.22.1 must include:
- (a) a full description of any injury to persons and their names and their addresses; and
  - (b) a full description of any damage to vessels, navigation aids or structures; and
  - (c) the names and addresses of persons in charge of the vessel; and
  - (d) the time and date of the occurrence; and
  - (e) an outline of events relating to the occurrence.
- 3.22.3 If a mishap, incident or accident described in Bylaw 3.22.1 involves damage to a vessel that affects or is likely to affect its seaworthiness, the master may not move the vessel except:



- (a) to clear a navigational channel, or to moor or anchor in safety; or
- (b) in accordance with the directions of a Harbourmaster, or a Maritime Officer of Maritime New Zealand.

*Advice note 3.22: If lodging an online accident or incident report with MaritimeNZ at [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz), then saving and forwarding that completed report to [harbourmaster@tasman.govt.nz](mailto:harbourmaster@tasman.govt.nz) within 24 hours will satisfy the written reporting obligation under Bylaw 3.22.1 and 3.22.2.*

### **3.23 Overloading and stability**

#### **3.23.1 Master not to exceed recommended loading**

No person shall operate any recreational vessel that is fitted with a CPC compliance placard, or any equivalent alternative, in contravention of any specified or recommended maximum occupancy number, maximum weight or maximum engine power rating shown on that plate.

- 3.23.2 No person shall continue to operate a recreational vessel after being advised by a Harbourmaster that in that officer's opinion the vessel is overloaded or any load is distributed to the detriment of stability, unless that officer is satisfied with actions taken to correct the situation.

*Advice note 3.23(i): The CPC plate programme has been in place since 2004 and covers about 70% of power trailer boats 3.5m to 8.0m in length that are built in New Zealand in either fibreglass or aluminium. Each CPC plate is specific to an individual boat. Boats fitted with a CPC plate on or near the transom are also fitted with a safety sticker near the dashboard (helm) detailing recommended minimum safety requirements.*

### **3.24 Timber and logs, and discharge of navigational or safety hazards**

It is an offence to discharge, drop or allow to be discharged or dropped into the waters to which these Bylaws apply, any cargo or any other thing from any vessel, structure or from the land anywhere that would or may constitute a danger to maritime safety without permission of the Harbourmaster.

### **3.25 Prohibited Zones**

- 3.25.1 No person may undertake any specified prohibited activity within any prohibited zone, except in an emergency.
- 3.25.2 The prohibited activities and zones to which Bylaw 3.25.1 applies are those prescribed in [Schedule 2, Clause 8](#).
- 3.25.3 A prohibited zone may be marked in the same manner as specified for a reserved area by Rule 91.12 (2)

## **4. MOORINGS, STRUCTURES AND SAFE BERTHING OF VESSELS**

### **4.1 Moorings**

#### **4.1.1 Requirement for Authorisation**

No person may place a mooring or berth in the coastal marine area or any waterway, whether in a mooring area or not, without a coastal permit or other authorisation pursuant to the [Tasman Resource Management Plan](#).

#### 4.1.2 **Maintenance and construction requirements for moorings**

- (a) The Harbourmaster may, from time to time, set mooring guidelines or standard specifications governing the weight, size and length of mooring components for vessels or a certain type, size or weight.
- (b) Owners of swing moorings and pile moorings shall maintain their moorings in a proper state of condition and repair.
- (c) Notwithstanding the provisions of clause 4.1.2(b) the Harbourmaster or nominated delegate has the right to inspect or require inspections of any mooring and can require the owner to upgrade or repair the mooring as considered appropriate.

#### 4.1.3 **Moorings may be removed**

The Harbourmaster may remove or authorise the removal of any mooring and any vessel attached to such mooring (all costs of so doing are a debt to the Council by the owner of such mooring, or if not known, the owner of any vessel known to primarily use that mooring), if the Harbourmaster considers the mooring presents an unacceptable risk to navigation safety.

#### 4.1.4 **Council may dispose of certain moorings and vessels**

- (a) Council may sell or otherwise dispose of any mooring or vessel (including its fittings and equipment) removed pursuant to 4.1.3 if, following at least two publications of a notice of intention to do so in a newspaper circulating in the district, any debt due to council in relation to the removal or storage of the mooring or vessel remains unpaid and more than two months have elapsed since the first publication of the notice.
- (b) Council shall remit any balance of sale proceeds after settlement of the debt due to the last known owner of the mooring or vessel.
- (c) If there is no known owner council may retain all proceeds of any such sale.

4.1.5 Notwithstanding any mooring licence, coastal permit or other authorisation in effect, any mooring removed pursuant to clause 4.1.3 may not be re-established without the written approval of the Harbourmaster.

#### 4.1.6 **Moorings only to be used as authorised**

- (a) No person may anchor or moor any vessel or raft in or over any mooring unless –
  - (i) they are the holder of a current coastal permit or other Council authorisation to use that mooring, or
  - (ii) they are permitted to use the mooring by the holder of (and pursuant to the terms and conditions of) any coastal permit, mooring licence or other Council authorisation relating to that mooring, or
  - (iii) the vessel, master and sufficient crew remain in a state of readiness for immediate departure should any person to whom (i) or (ii) applies requires them to vacate the mooring in order to allow that person to exercise their expectation of preferential use.

- (b) The Harbourmaster may remove or cause to be removed any vessel moored in breach of 4.1.6 and, as the case may be, anchor, moor, beach or remove that vessel from the water or cause any of the same to occur at the Harbourmaster's discretion, and any costs incurred in so doing shall be a debt due to Council by the owner of the vessel.
- (c) Any action pursuant to 4.1.6 shall not occur unless reasonable steps have been made to contact the owner or master of the vessel, except in the following circumstances;
  - (i) the vessel exceeds the size permitted to occupy that mooring; and/or
  - (ii) the owner of the mooring has requested the vessel be removed so that the owner can occupy the mooring.
- (d) The Council, or any person acting in accordance with the Harbourmaster's instructions is not responsible for any loss or damage that may arise in respect of any vessel removed pursuant to 4.1.6.

#### 4.1.7 **Council not liable**

The Council is not liable in any event for the position, insufficiency of or insecurity of any mooring specification or mooring site allocated by the Harbourmaster.

#### 4.1.8 **Council not responsible for damage or loss**

The Council is not responsible for any damage or loss that may arise to any vessel using a mooring, whether authorised or not, including damage that is caused by:

- (a) any breaking away or defect in the owner's moorings or any part of them; or
- (b) the act of any person in causing damage to the owner's moorings or any part of them, where the damage is caused by any vessel moored to such moorings, or by any perils of the seas, or by navigation of any vessel within the mooring site, or any other cause.

#### 4.1.9 **Harbourmaster may require lighting**

The Harbourmaster may require that any vessel moored to a specific mooring or in a general area of moorings show a white light during the hours of darkness. Unless otherwise specified in writing, any such light should meet the specifications of an all-round white light pursuant to [Rule 22.22](#).

## 4.2 **Safe berthing**

- 4.2.1 The owner or master of a vessel berthed at a wharf or mooring must ensure that it is securely fastened at all times, and if required by an authorised officer of Council, maintain a person on board to keep watch.

- 4.2.2 Where a Harbourmaster becomes aware that any vessel has broken adrift or is likely to break adrift from a maritime facility, anchor or mooring and is endangering or likely to endanger navigation, he or she shall, as soon as is practicable, and having regard to all the circumstances, cause that vessel to be safely secured. Council is entitled to recover from the master or owner of that vessel any expenses incurred in doing so. No liability shall attach itself to the Council by reason of any action, inaction or accident which may occur to any vessel in carrying out the provisions of this clause.

### **4.3 Interference with mooring lines etc**

- 4.3.1 No person shall cut, break, destroy, unlawfully detach or otherwise interfere with the mooring lines or cables of any vessel while it is berthed or moored, except with the authorisation of the master or owner of that vessel, except in an emergency involving immediate danger to life or property.
- 4.3.2 Notwithstanding 4.3.1, a Harbourmaster or a person authorised by a Harbourmaster may in any specific case adjust, remove or add additional mooring lines or cause the same to happen, if the Harbourmaster is satisfied that such action is in the interests of navigation safety or to prevent damage or loss to that vessel, an adjacent vessel or the wharf or other structure to which the vessel is berthed or moored.

### **4.4 Vessels to be Serviceable or Removed**

- 4.4.1 The master and owner of any vessel anchored or moored in any navigable waters must keep the vessel in a serviceable and operational condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a non-operational state.
- 4.4.2 If, in the opinion of the Council, any vessel is a navigation hazard by reason of it being neglected or unseaworthy, or has potential to become a navigation hazard by reason of it being unseaworthy:
- (a) the Council may give a written direction to the owner and master of the vessel to remove it from the waters of the District, or to move it to a specified location within the waters of the District within a reasonable timeframe as specified in the direction; and
  - (b) the owner and master are each responsible for ensuring the direction is complied with.
- 4.4.3 If the owner or master of the vessel fails to shift the vessel in accordance with a direction given under 4.4.2, the Council may shift that vessel, or cause that vessel to be shifted, to a position where it is no longer a hazard, or remove it or cause it to be removed from the water. The costs incurred may be recovered from the owner, master, or agent of the vessel as a debt due to the Council.
- 4.4.4 No person may operate any vessel in circumstances where persons on board have been advised by the Harbourmaster or an Enforcement Officer or a member of the Police that the vessel is unseaworthy, except to comply with the directions of that official to proceed to a safe area.

- 4.4.5 The person in charge of the vessel described in 4.4.4, must, on request by the Harbourmaster or Enforcement Officer or member of the Police, navigate the vessel immediately by the shortest and/or safest route, to an area nominated by that official.

## 4.5 Structures

- 4.5.1 In addition to the requirements of [section 200 of the Maritime Transport Act 1994](#) and any conditions of a resource consent for a marine farm or other structure situated to seaward of mean high water spring tide, every marine farm or other structure situated to seaward of mean high water spring tide shall display such lights and radar reflectors as may be required by the Harbourmaster, provided that such lights and radar reflectors shall be in accordance with the standards set out in the System of Buoyage and Beaconage for New Zealand, or any replacement rule or guideline, made under the Maritime Transport Act 1994.
- 4.5.2 The owner of every marine farm or other structure situated to seaward of mean high water spring tide shall ensure that any lights fitted as required by Bylaw 4.5.1 are operational at all times during the hours of darkness.
- 4.5.3 **Duty to maintain structure**
- (a) The owner of any structure or maritime facility must at all times keep the structure or maritime facility in good repair, such that the structure or maritime facility does not pose a danger to maritime safety.
  - (b) A Harbourmaster or Enforcement Officer or a person authorised by the Harbourmaster may at any time enter any structure or maritime facility for the purpose of inspecting the structure or maritime facility.
  - (c) Where the Harbourmaster or Enforcement Officer, during an inspection of any structure or maritime facility finds, or is advised by the person authorised by the Harbourmaster referred to in Bylaw 4.5.3 (b), that the structure or maritime facility poses a danger to navigation, he or she may –
    - (i) issue an infringement notice to the owner; and
    - (ii) order that the structure be closed either generally or for specific purposes until any insufficiencies have been rectified to the satisfaction of the Council or Harbourmaster.
- 4.5.4 **Harbourmaster's approval required for certain structures**
- No person may erect or install any structure within 25 metres of the nominal line between any pair of Type 5 submarine crossing signs, or any submarine cable or pipeline as shown on the largest scale nautical chart for that area, without the written approval of the Harbourmaster.

## **5. COMMERCIAL OPERATIONS**

### **5.1 Commercial Vessel Operations (Including Rental Vessels)**

#### **5.1.1 Licence required for commercial operation.**

- (a) No person shall operate a commercial service, whether scheduled, non-scheduled, or offering rental vessels, without first obtaining from Council a licence to do so. The intention is that council recovers some of the cost from those that benefit from the actions of the council regarding maritime safety i.e. maintenance of aids to navigation, policing of Maritime Rules, bylaw enforcement, education of vessel operators etc.
- (b) No such licence will be issued if Council is of the opinion that the operation is likely to:
  - (i) diminish the level of safety for other activities in the vicinity;
  - (ii) cause congestion, or jostling for position, or any other unsafe practice, at points of embarkation/disembarkation or at any place en route.
- (c) Notwithstanding subclause (a) Council may, solely at its own discretion, exempt certain commercial services either by general class or specificity, and where such exemption is granted-
  - (i) no annual licence fee may be payable; and
  - (ii) any first-time application fee may be waived at Council's discretion; and
  - (iii) reasonable terms and conditions relating to navigation or public safety, and an expiry date, may be imposed on the exemption; and
  - (iv) the exemption may be revoked, and a licence application required under subclause (a), in the event of any breach of the terms and conditions of the exemption.
- (d) Operators in the following classes of commercial service are entitled to apply for exemption pursuant to subclause (c) –
  - (i) Small-scale operations such as (but not limited to) canoes or non-motorised dinghies hired or loaned on an hourly or other short-term basis from campgrounds, motels, rental accommodation and so on, for guest use; or
  - (ii) Commercial fishing vessels which are not permitted to carry passengers pursuant to Maritime Rules; or
  - (iii) Commercial non-passenger vessels that are not permitted to carry passengers pursuant to Maritime Rules; or
  - (iv) Vessels used solely for scientific research, and for which no passengers or crew pay any fare or contribution to the costs of operating the vessel.
- (e) Notwithstanding any entitlement to apply for exemption from licensing requirements pursuant to subclause (d), Council may nevertheless require any such applicant to obtain a licence.

### 5.1.2 **Licence in addition to requirements of other legislation**

- (a) No licence shall be issued by Council unless any authorisation required under any other Act or Regulation in relation to the vessel, its equipment or its manning has been obtained and is currently valid.
- (b) No licence issued by Council will remain valid beyond the expiry date of any authorisation given under other legislation relating to the vessel, its equipment or its manning.

### 5.1.3 **Where no other requirements**

- (a) For any class of vessel or master for which no authorisation is required under other legislation, written application must be made to Council to establish the seaworthiness of the vessel, the adequacy of its safety equipment, the competence of its operator, and the overall safety of the proposed operation.
- (b) Additional professional advice may be sought by the Council, the cost of which will be recovered from the applicant.

### 5.1.4 **Licence not transferable**

Every licence issued by Council under Bylaw 5.1.1 shall apply only to the vessel(s) and operator(s) named in the licence, and only to the operation described in the licence: the licence is not transferable.

### 5.1.5 **Licence to be available**

Every licence issued by Council must be available for inspection at any time by a Harbourmaster or an Enforcement Officer or Honorary Launch Warden, or any prospective client of the operation.

### 5.1.6 **Licence fees**

- (a) The Council shall be entitled to charge a fee in respect of every new commercial operation application received and every licence or licence renewal issued by it. The fees payable in respect of every commercial operation licence shall be those listed in [Schedule 1](#) forming part of this Bylaw. These fees are subject to Annual review and are published as part of the Council Annual Plan process.
- (b) Licences shall expire annually at midnight on 31 October, or earlier if a shorter term is specified on the licence and a renewal application shall be required each year to continue operation.
- (c) Every licence renewal application received after 1 November shall be subject to a late-payment fee.
- (d) Every licence holder for which a renewal application has been accepted shall be deemed to continue to operate under the terms of the most recent licence until the application has been determined by council.

### 5.1.7 **Limitations of licence**

A commercial operation licence and licence fee does not convey any mooring, berthage or landing rights, or other concession. Separate authorisation is required for these.

### 5.1.8 **Terms and conditions**

- (a) The terms and conditions of any licence issued by Council are in addition to those that may be required under Part 19 and may include, but are not limited to:
- (i) defining points of embarkation/disembarkation;
  - (ii) defining the area or route of operations;
  - (iii) specifying speed-limits or other conditions to control localised adverse effects such as wake nuisances or damage to beaches or banks, and seabed, lakebed or riverbed at points of embarkation/disembarkation or other specified locations.
  - (iv) whether the operation is limited to daylight hours, or by weather conditions;
  - (v) in the case of rental vessels, whether a rescue craft must be in attendance or not;
  - (vi) in the case of rental vessels, specifying what level of instruction must be given to hirers;
  - (vii) requiring a number or name or other distinctive marking to be displayed on the vessel to the satisfaction of the Harbourmaster, where no MSA number is shown on the vessel;
  - (viii) in the case of paddle craft, requiring the vessel to have paddles blades of a colour that contrasts with the marine environment to enhance visibility when underway to the satisfaction of the Harbourmaster;
  - (ix) in the case of paddle craft, requiring the hull of the vessel to be of a colour that contrasts with the marine environment to enhance visibility when underway to the satisfaction of the Harbourmaster.
  - (x) in the case of novel or manually or wind powered craft not subject to relevant Maritime Rules, requiring a satisfactory safe operating plan in accordance with any Maritime New Zealand guidelines, or industry best practice.
- (b) Breaching any term or condition of a licence is an offence.
- (c) A licence may be revoked by resolution of Council if any or all of its terms and conditions are grossly or persistently breached. There will be no refund of fees if a licence is so cancelled.

### 5.1.9 **Existing licences**

Licences in existence at the date of this Bylaw coming into effect will remain valid until the expiry date stated on the licence, or the first occasion of the 31<sup>st</sup> day of October after the date of this Bylaw coming into effect, whichever is the earlier.



- 5.1.10 **Requirement for applicant to demonstrate adequate risk management**
- (a) In addition to meeting any requirements for operating plans subject to clause 5.1.8, every licence holder shall, upon request, provide audit certificates or other similar documents associated with any ISO Quality Assurance programme, or any certification pursuant to the [Health and Safety in Employment \(Adventure Activities\) Regulations 2011](#).
  - (b) A licence may be suspended if any such relevant certification is not in order.

## **6. ADMINISTRATIVE MATTERS**

### **6.1 Application to master/owner and to guardian of minor**

- 6.1.1 Where any clause in these Bylaws imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.
- 6.1.2 Where any clause in these Bylaws imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are both deemed to have committed an offence against these Bylaws. If any such clause is complied with by either the master or the owner then, for the purposes of these Bylaws, compliance by one is deemed to be compliance by the other.

### **6.2 Fees And Charges**

- 6.2.1 The fees and charges specified in [Schedule 1](#) for functions undertaken by the Council under this Bylaw must be paid on demand by the specified person or entity to the Council.
- 6.2.2 The Council may, by resolution, amend Schedule 1.
- 6.2.3 Fees and charges specified include GST and are maximum charges and Council or the Chief Executive shall have the power to reduce such charges when in the Council's or Chief Executive's view special circumstances warrant a lesser charge being made. This does not limit the ability of Council to charge fair and reasonable fees for work carried out by the Harbourmaster on behalf of others.
- 6.2.4 **Computation of charges**
- (a) All charges payable under these Bylaws shall (except where otherwise specially provided) be paid and payable to the Council at its office, and shall in the case coming within the provisions of the Act, be payable by the persons liable under the Act to pay the same.

- (b) Any person or entity incurring or likely to incur charges under this Bylaw must declare such activities to an Authorised Council Officer as soon as practicable; and upon verbal or written request of an Authorised Council Officer, provide that officer with their full name and address, and any other particulars reasonably requested to allow for invoicing and record keeping in relation to those charges.
- (c) All charges payable under this Bylaw shall (except where provided in subclause (d)) be paid and payable to the Council at its office.
  - (d) Charges for a discrete berthage and/or wharfage occasion that do not exceed in aggregate the sum of \$50.00 may be paid directly to an Authorised Council Officer at that officer's discretion. A written receipt including the address of Tasman District Council must be provided immediately if such payment is accepted.
- (d) The officer must deposit any payment received under 6.2.4(d) at a Council office within five working days.
- (e) Any of the charges payable under these Bylaws may be exempted or reduced at the discretion of the Council or the Chief Executive.

## **6.3 Penalties, Offences and Infringements**

### **6.3.1 Offences**

- (a) Every person who breaches or fails to comply in any respect with any provision of these Bylaws commits an offence.
- (b) Every person who fails, refuses or neglects to comply with any lawful direction of a Harbourmaster or Enforcement Officer, or a person acting under their authority, commits an offence against these Bylaws.
- (c) Every person commits an offence who obstructs, impedes, delays, hinders, deceives or causes to be obstructed, impeded, delayed, hindered, or deceived, a Harbourmaster, Enforcement Officer or a constable of the NZ Police, while that officer is acting in the performance or exercise of any functions, duties, or powers conferred on him or her by or under these Bylaws, except that this clause shall only apply where the person obstructed or impeded produces evidence of his or her authority if requested to do so.
  - (d) Every person who unlawfully obstructs, impedes or interferes with the doing of anything enjoined or authorised to be done pursuant to these Bylaws commits an offence against these Bylaws.
- (d) Where any person to whom 6.3.1(a) to (d) applies is between the ages of twelve and sixteen years inclusive, then –
  - (i) any parent or legal guardian of that young person may be deemed to be liable for the offence and any liability for costs, as the case may be; or
  - (ii) any proceedings shall be dealt with in the Youth Court.

- (e) Where any person to whom 6.3.1(a) to (d) applies is under the age of twelve years, then a parent or legal guardian of that person shall be deemed to be liable for the offence and any liability for costs, as the case may be.
- (f) Despite subclause (a), any Harbourmaster, Enforcement Officer or Honorary Enforcement officer, or any other person authorised by the Harbourmaster, may act in contravention of any Bylaw if such action was taken in the interests of maritime safety with due regard to the balance of risk against benefit, or was otherwise necessary in order to effectively carry out the functions and duties of that officer or person with regard to these Bylaws.

### 6.3.2 **General Defence**

- (a) It shall be a defence to any prosecution for a breach of these Bylaws if the defendant proves:
  - (1) that-
    - (i) the action or event to which the prosecution or infringement relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property; and
    - (ii) the conduct of the defendant was reasonable in the circumstances; and
    - (iii) the effects of the action or event were adequately mitigated by the defendant after it occurred.
  - (2) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural event, mechanical failure, or sabotage, and in each case either:
    - (i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and
    - (ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred
- (b) Except with the leave of the Court, Bylaw 6.3.2 (a) does not apply unless, within 7 days after the service of summons or within such further time as the Court may allow, the defendant delivers to the Council a written notice:
  - (i) stating that he or she intends to rely on Bylaw 6.3.2 (a); and
  - (ii) specifying the facts that support his or her reliance on Bylaw 6.3.2(a) (1) or 6.

### 6.3.3 **Infringements**

- (a) If a person is observed committing an infringement offence (as set out in Maritime law or [Schedule 3, Infringement Offences and Fines](#), of these Bylaws) by a Harbourmaster, Enforcement Officer, or a Constable; or the officer has reasonable cause to believe such an offence has been committed by that person; an infringement notice in respect of that offence may be served on that person.

- (b) The Harbourmaster, Enforcement officer or Constable may deliver the infringement notice (or a copy of it) to the person alleged to have committed the offence personally or by post, addressed to that person's last known place of residence or business.

#### 6.3.4 **Warnings**

- (a) If a person is observed committing an offence by the Harbourmaster, an Enforcement Officer, a Constable, or an Honorary Enforcement Officer; or the officer has reasonable cause to believe such an offence has been committed by that person; a Warning Notice in respect of that offence may be issued to them.
- (b) The Harbourmaster, Enforcement officer, Constable or Honorary Enforcement Officer may deliver the warning notice (or a copy of it) to the person alleged to have committed the offence personally or by post, addressed to that person's last known place of residence or business.
- (c) Nothing in Bylaw 6.3.4(a) shall limit Council's entitlement to issue an Infringement Notice or to take other enforcement action as the case may be in respect of the offence for which a Warning Notice was issued.

#### 6.3.5 **Retention and sharing of Information relating to offences**

- (a) Council may keep a record of the details relating to any observed or alleged offence regardless of whether or not a Warning Notice was issued, an Infringement Notice served or other enforcement action taken.
- (b) Personal information kept pursuant to 6.3.5(a) will be held in accordance with the [Privacy Act 1993](#).
- (c) Any person whose personal information is held pursuant to 6.3.5(a) may, with reasonable notice, inspect information held about them at Council's office at 189 Queen Street, Richmond.
- (d) Information held pursuant to 6.3.5(a) may be corrected or modified upon the request of the person who is the subject of any personal details, but only where any such change does not materially affect the quality of any evidence it relates to.
- (e) Information that may compromise an informant may be withheld.
- (f) Upon request, details relating to recorded offences may be shared, for the purpose of ensuring navigation safety, with Maritime New Zealand, New Zealand Police or another Regional Council.

## **7. MARITIME FACILITIES - OPERATIONAL MATTERS**

### **7.1 Safety and Management of Maritime Facilities**

#### **7.1.1 Power to close wharves and other maritime facilities**

- (a) The Council reserves the right to close wharves, boat ramps, slipways or other maritime facilities or any portion of them (in the singular or aggregate) whenever in its opinion it is advisable to do so, for the convenient working of a port or in the interest of public safety, or in response to an emergency, and no person shall enter upon, berth at or otherwise use the structure or facility so closed without the consent of an Authorised Council Officer.
- (b) Any such decision to close a maritime facility may be made by any Authorised Council Officer, or any member of Council staff with responsibility for that Council owned or controlled property or asset.
- (c) Any such closure that is likely to exceed three months duration must be endorsed by Council within two months.
- (d) Any closure shall be notified with on-site signage appropriate to the scale and nature of the closure.
- (e) Any closure that has been endorsed by Council shall be publicly notified.

#### **7.1.2 Persons on wharves etc under control of Council**

- (a) Every person when on any wharf, ramp or maritime facility, or while using any mooring or anchorage, shall promptly follow any instructions of an Authorised Council Officer, which shall include any instruction to such person to leave any wharf, mooring, anchorage or maritime facility.
- (b) No person shall obstruct traffic on any wharf or in any shed, or the movement of vessels within any area controlled by this Bylaw, except with the approval of a Harbourmaster or Enforcement Officer.

#### **7.1.3 Complaints**

Any complaints against any officer or agent of the Council shall be made in writing to the Chief Executive.

#### **7.1.4 Users to obey signage and conditions of use**

- (a) No person shall use or occupy any Maritime Facility in contravention of any affixed or nearby regulatory signage that bears a Tasman District Council brand.

## **7.2 Wharves, Cargo, Stores and Appliances**

#### **7.2.1 Ability to restrict activities on wharves etc**

Authorised Council Officers shall have the right to determine the times, places, order and mode of the landing, warehousing, stowing and depositing of goods and the landing and embarking of passengers on wharves.

### **7.2.2 Provisions relating to landing or storage of goods**

- (a) No goods shall be landed, or placed, or left upon a wharf or in a store without the permission of an Authorised Council Officer.
- (b) If any goods are landed or placed, or left upon a wharf or in a store without the permission of an Authorised Council Officer, the Council may move the goods from the wharves and the consignor or consignee shall pay all costs of moving or removing the goods.
- (c) All goods on a wharf or in a store shall be placed, positioned or stacked in such manner as an Authorised Council Officer may require.
- (d) No goods shall impede the working of a wharf or store.
- (e) Where any goods on a wharf or in a store are not placed, positioned or stacked in such a manner as required by an Authorised Council Officer or where such goods impede a wharf or store, or where such goods constitute a danger, the Council may move and/or restack the said goods and the consignor or consignee shall pay the cost of moving and/or restacking such goods.
- (f) If in the opinion of an Authorised Council Officer it is desirable that any goods on a wharf or in a store should be moved and/or restacked, the Council may direct the consignor or consignee to move and/or restack the same. If the consignor or consignee does not move or restack the said goods as directed, the Council may cause such goods to be moved and/or restacked. The consignor or consignee shall pay the cost of moving and/or restacking such goods.

### **7.2.3 Liability to supply bills of lading etc**

- (a) The master, owner or agent of every vessel seeking to load or unload within the area that is the subject of this Bylaw shall give to the Council two copies of the bills of lading, freight lists or manifests of vessel's cargo and in every respect a proper account of all goods intended to be unshipped from such vessel. The master, owner or agent of such vessel shall in addition provide the name or names of the owners or consignees to whom all or any of the goods in such vessel are intended for delivery to. Such bills of lading, freight lists or manifests and other documents or accounts shall contain full and true particulars of the weights and measurements of such cargo, shall be duly certified as correct, and be in a form satisfactory to the Council.
- (b) Where goods are landed which are not recorded on the bills of lading, freight lists, manifests, or other documents provided to the Council under 7.2.3(a), then the master, owner or agent of every such vessel shall as soon as practicable, provide to the Council two copies of a supplementary freight list or manifest which shall provide a full and true account of such additional goods landed. Such bills of lading, freight lists, manifest or other accounts shall be duly certified as correct and be in a form satisfactory to the Council.

- (c) The master, owner or agent of every vessel shipping any goods shall forthwith supply to the Council a manifest giving a full and true account of such goods duly certified as correct and in a form satisfactory to the Council.
- (d) Whenever, through the absence, insufficiency or incorrectness of the bills of lading, freight lists, or manifests delivered to the Council it becomes necessary for the Council to measure or weigh the goods landed, the cost of such measuring or weighing shall be paid by the owner, master or agent of the vessel landing such goods.

#### 7.2.4 **Power to search vessels**

It shall be lawful for an Authorised Council Officer to board and search any vessel in order to ascertain the dues payable in respect of any goods therein, and no person shall hinder the officer or refuse to allow him/her to board or search any vessel.

#### 7.2.5 **Dangerous goods and oils**

- (a) All goods of a dangerous, hazardous or flammable character shall be removed as soon as practicable by the owner, agent or consignee. Any such person, company or other entity failing to do so will be held responsible for any damage or loss caused thereby or arising out of the handling or moving of the same, in addition to being liable to the penalty provided for breach of this Bylaw and the Council shall not be responsible for any damage or loss which may accrue to such goods. All such goods not so removed may be removed by the Council to an appropriate dangerous goods store and the owners of such goods shall pay all costs of their removal and storage.
- (b) The Council shall not be responsible for the safe custody of packages containing acids, chemicals or other dangerous goods, and the consignee will be held responsible for any loss or damage caused thereby or arising out of the handling or moving of the same.
- (c) No goods or articles of any description, which in the opinion of the Council are likely to occasion damage to any wharf or shed, or to the goods thereon or therein, shall be placed on any such wharf, or in any such store. If any such goods are so placed in breach of this Bylaw they shall be immediately removed from the Council's premises by the person, or by the Council at the expense of the person on whose behalf they shall have been so placed, and no responsibility for loss or damage to such goods whilst on the Council's premises or in the course of such removal shall rest on the Council.
- (d) No person shall cause or allow any fuel oil or lubricating oil to be transferred between any fixed or mobile fuel transfer facility ashore and any vessel; unless a Tier-1 site Oil Spill Contingency Plan has been approved to do so for that facility and location by a Council Regional On-Scene Commander. Nothing in this clause prevents the transfer of oils using sealed drums or other containers, where

no oil would be able to escape into the water in the case of a handling mishap.

*Advice note: For more information about marine oil spill contingency planning, see [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz).*

#### 7.2.6 **Decaying goods not to be placed on wharves**

- (a) No person shall place or leave upon any wharf or in any store any goods which are in a state of decay.
- (b) If any goods are placed or left upon any wharf or in any store, if in the opinion of the Council such goods are in a state of decay, or are otherwise unfit to remain on any wharf or in any store, the Council may:
  - (i) direct the consignor or consignee to forthwith remove the same; and/or
  - (ii) move the same to another part of the wharf or store, or to another store, or remove the same from the wharf, or destroy the same and the consignor or consignee shall pay the cost of moving, removing or destroying such goods.
- (c) The consignor or consignee of any goods referred to in paragraph (b) of this Bylaw shall pay the cost of:
  - (i) remedying any loss or damage caused by such goods;
  - (ii) fumigating, cleansing or otherwise restoring any wharf or store, or goods affected by such goods to the condition such wharf, store or goods were in before they were so affected.

#### 7.2.7 **Council to take charge of goods**

Should any goods or cargo not be removed within a reasonable time by the consignee thereof, or the master, owner or agent of the vessel landing the same, or at the reasonable request of an Authorised Council Officer, then the Council may remove or cause the removal of such goods or cargo to any other premises of the Council, or some other convenient place(s), and retain the same pending payment to the Council of any charges or dues lawfully payable to the Council in respect of such cargo or goods. Should a default be made in payment of any dues owing in respect of such goods then the Council may sell the same and retain sufficient proceeds from such sale to cover the outstanding debt and any reasonable costs relating to administration of the sale.



#### **7.2.8 Council not bound to store goods**

The Council shall not be bound to find storage room either in any store or on any wharf, for any goods when in the opinion of an Authorised Council Officer, no sufficient or suitable accommodation is available. After notification to the owners, shippers or consignees of any goods, or to the master, owner or agent of the vessel discharging or receiving the same, that room is not available for the proper stowage of such goods within the stores, the Council shall not be held responsible for any loss or damage that may accrue to the goods, by the elements or otherwise, during the time they remain on the wharf.

#### **7.2.9 Council not responsible for accidental loss**

The Council shall not be responsible for loss or damage to goods while in its custody, by fire, water used in extinguishing fire, vermin, earthquake, theft, robbery or other like cause, except when due to the negligence of the Council.

#### **7.2.10 Trans-shipping of goods within regional waters**

- (a) Where cargo, goods, merchandise or other material is trans-shipped in any location within the district and where wharfage is not otherwise payable, such trans-shipping shall be declared within 24 hours, or such other period that may be agreed between parties, to the Harbourmaster and a manifest of such cargo shall be provided upon request.
- (b) Where cargo, goods, merchandise or other material is trans-shipped in any location within the district and where wharfage is not otherwise payable, a trans-shipping charge shall be paid to the Council on demand, by the master, agent or owner of the vessel discharging the cargo.

#### **7.2.11 Duty to notify chargeable use of maritime facilities**

The master of any vessel that occupies a berth at a wharf, jetty or mooring, or in the case of a commercial vessel transfers passengers, where such occupation or transfer attracts a charge, shall declare the same as soon as practicable and in all cases within 24 hours to the Tarakohe Harbour Manager, authorised wharfinger, or the Duty Harbourmaster, as specified in Schedule 2 for that facility, and provide that officer with such details as may be requested to enable for invoicing of charges due.

### **7.3 Cables, Pipelines, Structures, Signage and Moorings**

#### **7.3.1 Duty to notify and comply with requirements regarding structures**

- (a) No person shall erect, install, remove or alter any cable, pipeline, structure, sign or mooring on the lands or seabed to which this Bylaw applies except in accordance with the [Tasman Resource Management Plan](#).
- (b) No person shall erect, install, remove or alter any cable, pipeline, structure, sign or mooring on the lands or seabed to which this Bylaw applies that may affect the navigation, mooring, anchoring or berthage of any vessel without written notification in advance to

the Harbourmaster. Such notification is to be made at least 14 days in advance except in the case of an emergency.

- (c) No person shall erect, install, remove or alter any cable, pipeline, structure, sign or mooring on the lands or seabed to which this Bylaw applies without prior approval of the Council's departmental manager responsible for the Maritime Facility, or that officer's nominated delegate.

## **7.4 Biosecurity**

### **7.4.1 Approval for management of hull fouling organisms**

- (a) No person shall treat for or remove biological macrofouling at any Maritime Facility from any part of a vessel that is ordinarily at or below the waterline without approval in advance from an Authorised Council Officer. For the avoidance of doubt, the removal and disposal into water of microfouling only ("slime layer") shall not require specific approval.
- (b) Approval under 7.4.1(a) may be subject to conditions. Every person who fails to comply with any condition of any approval issued under this Bylaw commits an offence.
- (c) No officer shall grant approval under 7.4.1(a) unless they are confident that any such approval is in accordance with the Biosecurity Act 1993, the Resource Management Act 1991 and any associated regulations, policies or strategies that apply within the District.
- (d) In any case, the staff member of Council who for the time being holds the position of Environment and Planning Manager shall have the authority to cancel or amend any approval given under 7.4.1(a) without notice.

### **7.4.2 Power to prohibit entry or use and to require inspection**

- (a) The staff member of Council who for the time being holds the position of Co-ordinator Biosecurity shall have the authority to give a direction to prohibit entry to or discontinue the use or occupation of any Maritime Facility by any specific vessel, or require any specific vessel to undergo an inspection for Biosecurity risk assessment, if that officer has reasonable grounds to believe that allowing the vessel to enter, occupy or use that facility may pose a biosecurity threat.
- (b) Every person who fails to comply with a direction given pursuant to 7.4.2(a) commits an offence.
- (c) In the event of a disputed instruction under 7.4.2(a), where the dispute arises on maritime safety grounds, the Harbourmaster shall be the arbiter.
- (d) In the event of a disputed instruction under 7.4.2(a), where the dispute arises on grounds other than maritime safety, the staff member of Council who for the time being holds the position of Environment and Planning Manager shall be the arbiter.

### **7.4.3 Power to require mitigation of Biosecurity risk**

- (a) The staff member of Council who for the time being holds the position of Co-ordinator Biosecurity shall have the authority to give a direction to require any specific vessel to be wrapped in an impervious material, or cleaned below the waterline in a satisfactory manner, or removed from the water, if that officer has reasonable grounds to believe that fouling on the vessel may pose a biosecurity threat.
- (b) Every person who fails to comply with a direction pursuant to 7.4.3(a) commits an offence.

## **7.5 Provisions Relating to Specific Facilities**

### **7.5.1 Master of any vessel berthing at Tarakohe to contact Harbour Manager**

The master of any vessel wishing to berth at Tarakohe Harbour (Port Golden Bay) shall communicate with the Tarakohe Harbour Manager not less than 24 hours prior to entry past the outer breakwater arms on Marine VHF Radio Channel 28 or 60 or by telephone. This provision shall not apply to the master of any vessel that has an existing arrangement for berthage for that vessel with the Tarakohe Harbour Manager, nor to trailer boats using the launching ramps there.

### **7.5.2 Occupation of Mapua wharf and/or floating jetty**

- (a) The floating jetty is provided for pick-up and set-down of passengers and provisions; and for short-stay occupations while parking or retrieving a boat trailer, obtaining fuel or other provisions, or visiting the wharf precinct. The master of any vessel using the floating jetty for any other purpose shall yield as soon as practicable to any vessel who advises that they wish to use it for the intended purpose.
- (b) No vessel shall berth for longer than thirty minutes on the shoreward side of the floating jetty at Mapua unless that vessel is maintained in a state of readiness and attended at all times by the master or another person capable of operating the vessel.
- (c) Any vessel to which 7.5.2(a) applies shall stand-off or otherwise relocate the vessel if so requested by the master of any other vessel intending to use the jetty or adjacent ramp.
- (d) No vessel with an overall length in excess of ten metres shall be moored to the floating jetty, except in a genuine emergency or with the prior approval of the Harbourmaster.
- (e) No vessel shall berth overnight, whether attended or not, at the floating jetty except with the prior approval of the Harbourmaster.
- (f) No vessel shall berth at the Mapua inspection grid (the inshore face of the main wharf adjacent to the boat ramp) except in a genuine emergency; or for bona-fide inspections or maintenance by prior arrangement with the Mapua Boat Club Incorporated or the authorised wharfinger.

- (g) The master and owner of any vessel berthed at the inspection grid shall ensure that the vessel is adequately secured for all tidal conditions (including for drying at low tide), that a safe means of access to and from the vessel is maintained, and that a cordon is implemented if needed to ensure the safety of passers-by at low tide.
- (h) No vessel shall berth at Mapua wharf for a period in excess of seven consecutive days except with the prior written approval of the Harbourmaster.
- (i) Commercial cargo may only cross the wharf at Mapua with the prior approval of the authorised wharfinger or an Authorised Council Officer.
- (j) Demurrage/storage is not permitted at Port Mapua except in relation to Council work and with the written approval of the duty Harbourmaster.

### **7.5.3 Occupation of Riwaka wharf**

- (a) No vessel shall berth at Riwaka wharf for a period in excess of seven consecutive days except with the prior written approval of the Harbourmaster.
- (b) No person shall occupy overnight any vessel moored at Riwaka wharf, except with the prior approval of the Harbourmaster.

## **7.6 Liveboard Provisions**

### **7.6.1 Approval required to sleep aboard a vessel**

- (a) No person shall sleep overnight aboard any vessel occupying or berthed at any Maritime Facility without prior approval from an Authorised Council Officer.
- (b) Approval under 7.6.1(a) may be subject to conditions. Every person who fails to comply with any condition of any such approval commits an offence.
- (c) No Officer shall grant approval under 7.6.1(a) unless they are confident that any such approval is in accordance with the Resource Management Act 1991 and any associated regulations, policies or strategies that apply within the District.
- (d) In any case, the staff member of Council who for the time being holds the position of Environment and Planning Manager shall have the authority to cancel or amend any approval given under 7.6.1(a) without notice.
- (e) No person shall discharge any contaminant (in terms of any relevant Regulations or Plan made under the Resource Management Act 1991) into the Coastal Marine Area from any vessel berthed at or occupying any Maritime Facility including any mooring.

## SCHEDULE 1: FEES AND CHARGES

All charges include Goods and Services Tax (GST). Pursuant to Section 150 of the Local Government Act 2002, this schedule may be amended by resolution of Council following the special consultative procedure.

*Advice note: Apart from in exceptional circumstances this would generally be as part of the Annual Plan process. Such changes will be published as part of the annual plan each year, and are unlikely to be updated on this document. Users should check the current annual plan for the current fees and charges.*

Charges may be varied on a case-by-case basis by the Chief Executive where special circumstances exist.

### Fees and charges:

#### 1. Commercial Vessel Operator's Licence

<b>Application fee</b> Payable on initial application and in addition to the annual fee: (Plus reimbursement for any reasonable and necessary additional costs incurred by Council in assessing an application, e.g. evaluation of seaworthiness, qualifications and experience).	<b>\$214.00</b>
<b>Annual fee</b> For each multiple of either one power-driven vessel or up to a total of 15 kayaks, rafts, waka or other vessels that are not power-driven with greater than ten horsepower.	<b>\$278.00</b>
<b>Late payment fee</b>	<b>Additional 20%</b>

#### 2. Application for Authorisation of Organised Water Activity / Maritime Event

Application fee Payable on application (includes up to four hours of staff time).	<b>\$nil</b>
Reimbursement of any reasonable and necessary additional costs incurred by Council in assessing or publicly notifying an application or authorisation. <i>NB: May be waived at Harbourmaster's discretion for non-profit events.</i>	<b>Actual cost</b>
Reasonable costs incurred by Council in enforcing compliance with conditions of an authorisation – hourly rate.	<b>\$148.00</b>
Provision of Council vessel and master to monitor activity or assist with navigational safety of activity (by agreement) – hourly on-water rate. <i>NB: May be waived at Harbourmaster's discretion for non-profit events.</i>	<b>\$200.00</b>

#### 3. **Maritime Facilities Fees and Charges**

These are subject to amendment by the Council Corporate Services Department and can be found at: <http://www.tasman.govt.nz/services/fees-charges/wharfage-berthage-fees-charges/>



## SCHEDULE 2: LOCATION-SPECIFIC INFORMATION

### Schedule 2: Location-specific information

This Schedule may be amended –

- (i) by simple resolution of Council from time to time for minor corrections such as realignment of boundaries to reflect changes in relevant lawfully adopted legislation, regulations, plans or strategies, or physical constraints (such as seabed shoaling); and
- (ii) following the special consultative procedure specified by the Local Government Act 2002 if a significant amendment such as addition or removal of an area or lane.

In all cases, consultation must be undertaken with the Director of Maritime Safety before adoption of any change.

*Advice note: the use of rivers lakes and the coastal marine areas administered by the Department of Conservation are also regulated in accordance with the Conservation Act 1987 or other enactments listed in Schedule 1 of that Act (including policies bylaws or regulations made and enforceable under these enactments), The Department of Conservation should be contacted for further information.*

### 1. Schedule relating to Bylaw 3.18.2 of areas where seaplanes are prohibited from landing and taking off.

Area(s)	Map(s) with boundaries of restrictions
All areas reserved or identified in these Bylaws for anchoring or mooring vessels, at all times.	<p>Figure 8: The Anchorage - Map 6</p> <p>Figure 9: Adele Island - Map 7</p> <p>Figure 11: Kaiteriteri Bay - Map 9</p> <p>Figure 13: Port Motueka - Map 11</p> <p>Figure 14: Jakkett Island - Map 12</p>
All areas reserved in these Bylaws for swimming, or in which powered vessels are prohibited, at all times.	<p>Figure 11: Kaiteriteri Bay – Map 9</p> <p>Figure 20: Lake Rotoiti - St Arnaud - Kerr Bay - Map 18</p> <p>Figure 21: St Arnaud - Map 19</p>

Mapua channel.	Figure 16: Mapua Channel - Map 14  Figure 17: Hunter Brown - Map 15
Tarakohe Harbour and surrounds - within a 500m radius of the centre point of the nominal line formed between the outer breakwater mole tips at Tarakohe Harbour.	Figure 3: Port Tarakohe - Map 1
Motueka - approaches, marina and channel.	Figure 13: Port Motueka - Map 11  Figure 14: Jakkett Island - Map 12

*Advice note: Certain aircraft activities in or near the coastal marine area are also subject to restrictions imposed by the Tasman Resource Management Plan. Refer to <http://www.tasman.govt.nz/policy/plans/tasman-resource-management-plan/> or enquire at any council office.*

## 2. Schedule relating to Bylaw 3.20 where anchoring is prohibited

Area(s) and conditions	Map(s) with boundaries of restrictions
In all areas reserved as an "Access Point Transit Lane", (except as allowed in "Note" below) swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for purpose of loading or unloading, and embarking or disembarking.	Figure 6: Bark Bay - Map 4  Figure 8: The Anchorage - Map 6  Figure 11: Kaiteriteri Bay- Map 9
Tarakohe Harbour See Map 1	Figure 3: Port Tarakohe - Map 1
All areas reserved for any other purpose by these Bylaws, at all times, unless the vessel remains in a state of readiness for immediate departure should the authorised priority activity commence.  <i>Note: in areas reserved for waterskiing, anchoring overnight (between sunset and sunrise) is permitted because waterskiing is prohibited during darkness by Rule 91.9</i>	



<p>Within 25 metres of a submarine pipeline or cable, including any infrastructure corridor shown on any map included in this schedule.</p>	<p>Figure 10: Marahau - Map 8</p> <p>Figure 12: Stephens Bay - Map 10</p> <p>Figure 13: Port Motueka - Map 11</p> <p>Figure 14: Jackett Island – Map 12</p> <p>Figure 16: Mapua Channel - Map 14</p> <p>Figure 19: Rabbit Island - Map 17</p> <p>Note; another infrastructure corridor passes between Bell and Best Island (not shown in figures)</p>
<p>Kaiteriteri Bay, within the area occupied by Kaiteriteri Recreation Reserve Board's small-craft mooring block array pursuant to Coastal Permit RM120592.</p>	<p>Figure 11: Kaiteriteri – Map 9</p>

**3. Schedule of access lanes relating to Bylaw 3.5 where the speed limit within 200 metres of shore or structure is uplifted for the purpose of waterskiing.**

*Advice note: Speed limit in an access lane remains at 5 knots within 50m of a person in the water or another vessel, or within 200m of Flag A (divers' flag).*

Location	Conditions and comments	Map(s) showing boundaries of reserved area
Tata Beach	<p>Marked for year-round use by transit posts. Buoys may be provided between about Labour Weekend through to about the end of daylight savings the following year.</p>	<p>Figure 4: Tata Beach - Map 2</p> <p>Figure 3: Port Tarohe - Map 1</p>

Totaranui	Marked for year-round use by transit posts. Buoys may be provided between about Labour Weekend through to about the end of daylight savings the following year.	Figure 5: Totaranui - Map 3
Stilwell Bay	Marked with transit posts and buoys for a period which may extend from about Labour Weekend through to about the end of daylight savings the following year.	Figure 9: Adele Island - Map 7
Lake Rotoiti	Marked for year-round use by transit posts. Buoys may be provided between about the beginning of December through to about the end of daylight savings the following year.  <i>Note: Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.</i>	Figure 21: Lake Rotoiti - Map 19

#### 4. Schedule of anchorages and other areas relating to Bylaw 3.3.3 where the speed limit is 3 knots.

*Advice note: The intention of [Bylaw 3.3.3](#) is to create a 'no wake' zone. Vessels approaching these zones may need to come to a dead stop to dissipate following wake then increase speed to 3 knots (or whatever lesser speed results in the least possible wake) to achieve compliance with [Bylaw 3.4](#) .*

Location	Conditions and comments	Map(s) showing boundaries of reserved area
Torrent Bay lagoon	This 3 knot zone within a 100m radius arc of the centre point of the outer edge of the end of the public jetty applies at all times.	Figure 7: Torrent Bay - Map 5
The Anchorage (Torrent Bay)	The boundary of this three knot zone may be marked with yellow buoys for a period which may extend from about Labour Weekend through to about the end of daylight savings the following year.  The 3 knot speed limit applies at all times whether marked by buoys or not, except that during any period when the buoys described above are not in place, and if no vessel is anchored or moored within the zone, then the speed limits specified in Rule 91.6(1) apply.	Figure 8: The Anchorage - Map 6

Adele Island	<p>The boundary of this three knot zone may be indicated with yellow buoys for a period which may extend from about Labour Weekend through to about the end of daylight savings the following year.</p> <p>The 3 knot speed limit applies at all times whether marked by buoys or not, except that during any period when the buoys described above are not in place, if no vessel is anchored or moored within the zone then the speed limits specified in Rule 91.6(1) apply.</p>	Figure 9: Adele Island – Map 7
Motueka Marinas	This 3 knot zone in the marked area adjacent to and including the Motueka marina precinct applies at all times.	Figure 13: Port Motueka - Map 11

## 5. Reserved Areas relating to Bylaw 3.7.1.

- (a) **Areas reserved for the purpose of waterskiing where the speed limit is uplifted within 200m of shore or a structure and users must stay as far as practicable to starboard (i.e. anti-clockwise direction of waterskiing circuits).**

Location	Conditions and comments	Map(s) showing boundaries of reserved area
Torrent Bay	This area is reserved for priority use by waterskiers during the two hour period between one hour before high tide until one hour after high tide (as published in the NZ Nautical Almanac for Port Nelson) and only when marked with black posts with white bands. The period of marking may extend from about Labour Weekend through to about the end of daylight savings the following year. Buoys may also be provided.	Figure 7: Torrent Bay - Map 5
Browns Beach (The Anchorage)	This area is reserved for priority use by waterskiers and is available for use when marked with black posts with white bands and buoys for a period which may extend from about Labour Weekend through to about the end of daylight savings the following year.	Figure 8: The Anchorage - Map 6
Adele Island (sandspit)	This area is reserved for priority use by waterskiers and is available for use when marked with a black post or posts with white bands for a period which may extend from about Labour Weekend through to about the end of daylight savings the following year. Buoys may also be provided.	Figure 9 : Adele Island – Map 7

Kaiteriteri Beach	<p>This area is reserved for priority use by water-skiers during the four hour period between two hours before high tide until two hours after high tide (as published in the NZ Nautical Almanac for Port Nelson), and only when marked with black posts with white bands. The period of marking may extend from about Labour Weekend through to about the end of daylight savings the following year. Buoys may also be provided.</p> <p><i>Note: Personal watercraft are prohibited from operating in Kaiteriteri Bay excepting transiting to and from the boat ramp,</i></p>	Figure 11: Kaiteriteri Bay – Map 9
Kina Peninsula	<p>This area is reserved for priority use by water-skiers and is available for year-round use.</p> <p>Other vessels intending to transit between the open sea and the ramp when waterskiing is in progress may do so at any safe speed so long as they do not obstruct or endanger any vessel or person engaged in waterskiing.</p> <p>A suitable landing and take-off area is bounded by a pair of black posts with white bands. The boundary may be partially marked with buoys.</p> <p><i>Advice note: Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing. Unsuitable for skiing during lower tides.</i></p>	Figure 15: Kina Peninsula - Map 13
Hunter Brown	<p>This area is reserved for priority use by water-skiers and is available for year-round use. A suitable landing and take-off area is bounded by a pair of white posts with black bands. The area boundaries may be otherwise marked with transit posts.</p> <p><i>Advice note: Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing.</i></p>	Figure 17: Hunter Brown - Map 15
Traverse	Refer <a href="#">subsection (c)</a>	Figure 18: Traverse – Map 16
Rabbit Island (about ramp)	Refer <a href="#">subsection (c)</a>	Figure 19: Rabbit Island - Map 17

Rabbit Island (to east of ramp)	<p>This area is reserved for priority use by water-skiers. If not in use by water-skiers, other vessels may use this area at any safe speed. This area is available for year round use and may be marked with transit posts.</p> <p><i>Advice note: A suitable take-off and landing area for water-skiers exists near the eastern end of this area. Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing.</i></p>	Figure 19: Rabbit Island - Map 17
Lake Rotoiti (West Bay)	<p>This area is available for year-round use for waterskiing and is marked with transit posts. Buoys may be provided during summer months.</p> <p><i>Note: Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.</i></p>	Figure 21: St Arnaud - Map 19

**(b) Areas reserved for swimming and other passive activities.**

<b>Location</b>	<b>Conditions</b>	<b>Map(s) showing boundaries of reserved area</b>
Kaiteriteri Beach	<p>This area is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots. Power driven vessels are prohibited at all times.</p>	Figure 11: Kaiteriteri Bay - Map 9
Lake Rotoiti	<p>This area is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots.</p> <p>This seasonal reservation applies when the black posts with white bands that mark it are fitted with signage from about the beginning of December each year until the end of daylight savings the following year. Buoys may also be provided.</p> <p><i>Note: Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.</i></p>	<p>Figure 20: St Arnaud - Kerr Bay - Map 18</p> <p>Figure 21: St Arnaud - Map 19</p>

**(c) Areas reserved for personal watercraft, novel craft etc**

Location	Description and conditions	Map(s) showing boundaries of reserved area
The Traverse	<p>This area is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. No more than one vessel to be making way within the slalom course at any given time, except in an emergency.</p> <p>The speed limit within 200 metres of shore is uplifted, when in use for a priority activity.</p> <p>This area is available for year round use and is not marked with transit posts. Unsuited at lower tides.</p>	<p>Figure 18: Traverse - Map 16</p> <p>Figure 19: Rabbit Island - Map 17</p>
Rabbit Island boat ramp	<p>This area is reserved for use by the following classes of vessel in descending priority:</p> <ol style="list-style-type: none"> <li>1. Personal watercraft</li> <li>2. Hovercraft, WIG craft and novel craft</li> <li>3. Vessels engaged in waterskiing</li> <li>4. Other vessels undertaking trials in excess of 5 knots.</li> </ol> <p>The speed limit within 200 metres of shore or any structure, and within 50 metres of any other vessel, is uplifted, when in use for a priority activity. Vessels of a lower priority must keep clear if vessels of a higher priority are using the area.</p> <p>If the adjacent waterskiing area (to the east) is not in use for waterskiing, priority users of this area may also operate in that area, however should note that the speed limit within 50m of any other vessel applies there.</p> <p>Vessels using this area for a priority purpose must not unreasonably obstruct or delay other users from using the ramp or transiting between the ramp and other waters.</p> <p>This area is available for year round use and may be marked with transit posts. Unsuited at lower tides for some vessels.</p>	<p>Figure 19: Rabbit Island - Map 17</p>

- (d) **Areas reserved as Access Point Transit Lanes for the purpose of allowing unobstructed access to and from a beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, maximum speed is 5 knots.**

*These transit lanes are subject to anchoring restrictions, refer [Schedule 2.2](#). They are available for year round use and are marked with signage onshore. They may also be marked with white posts with black bands and/or black buoys with a white stripe.*

<b>Location</b>	<b>Special conditions and comments</b>	<b>Map(s) showing boundaries of reserved area</b>
Medlands Bay	Applies between 0700 hours and 1800 hours local time daily.	Figure 6: Bark Bay - Map 4
The Anchorage	Applies between 0700 hours and 1800 hours local time daily.	Figure 8: The Anchorage - Map 6
Kaiteriteri (ramp)	Applies at all times.	Figure 11: Kaiteriteri Bay - Map 9
Kaiteriteri (main beach)	Maximum occupation time per vessel per occasion is 30 minutes (from arrival) when daylight savings time is in force and two or more vessels are using the reserved area at any given time.	Figure 11: Kaiteriteri Bay - Map 9

(e) Areas reserved as Transit Lanes

Location	Description and conditions	Map(s) showing boundaries of reserved area
Motueka approaches	<p>This transit lane provides a reserved area for vessels travelling between the Motueka bar crossing (wherever that may be at any given time) and is bounded by the inside of the Motueka sandspit and not less than 200m from the shore of Jacketts Is at MHWS and the starboard lateral pile closest to Motueka wharf. While in this channel, vessels may travel at any safe speed of 15 knots or less for the purpose of transiting through the Motueka approaches. Other activities such as waterskiing, anchoring and swimming are prohibited in this area if it is in use by any vessel as a transit lane. The speed limit within 50m of any other vessel underway or a person in the water remains as 5 knots, or where 5 knots is not practicable, the slowest practicable speed.</p> <p><i>Advice Note: Provisions relating to the control of nuisance from a vessel's wake apply. Beware of shifting shallow banks.</i></p>	Figure 14: Jackett Island - Map 12
Mapua Channel	<p>This transit lane provides a reserved area for vessels travelling between Grossis Point and the Mapua Bar, and is located generally within 50 metres of the eastern shore of the Mapua Channel. While in this channel, vessels may travel at any safe speed of 15 knots or less for the purpose of transiting through the Mapua Channel. Other activities such as waterskiing, anchoring and swimming are prohibited in this area if it is in use by any vessel as a transit lane. The speed limit within 50m of any other vessel underway or a person in the water remains as 5 knots, or where 5 knots is not practicable, the slowest practicable speed.</p> <p><i>Advice Note: Provisions relating to the control of nuisance from a vessel's wake apply.</i></p>	Figure 16: Mapua Channel - Map 14



**6. Schedule relating to Bylaw 3.3.6, where the speed limit on rivers is uplifted within 200m of shore or structure.**

*Advice note: The expectation is that all vessels slow to the minimum speed that allows for safe navigation when passing other vessels or persons in a river, or pass at a distance in excess of 50m where channel width allows. For practical purposes, river flow may mean that even a dead slow apparent speed results in a technical breach of the 5 knots proper speed (i.e. speed through the water rather than speed over ground) limit. As long as a clear reduction of speed to the minimum required for effective steerage has been made, and no injury or other accident or mishap arises from the encounter, this will be deemed to be compliant with the intent of Bylaw [3.3](#).*

River	Description and conditions	Map(s) showing boundaries of prohibited area
Aorere River	<p>(a) Between 15 August and 30 November, the speed limit is uplifted only from Brown River confluence to Rockville bridge.</p> <p>(b) Between 1 December and 14 August, the speed limit is uplifted only from Brown River confluence to the sea. For the purposes of this clause, the seaward boundary is deemed to be a nominal line across the river at the tip of the training wall at Collingwood (at 40°.40.57'S; 172°40.44'E), perpendicular to the general river flow. All tributaries are excluded.</p>	Figure 22: Aorere River - Map 20
Takaka River	<p>The speed limit is uplifted only in the main branch between the powerhouse at the Cobb Reservoir at Drummond flat and the sea, when the flow at Kotinga exceeds 20 cumecs.</p> <p>All tributaries are excluded.</p>	Figure 23: Takaka River - Map 21
Motueka River	<p>The speed limit is uplifted only in the main branch between the Tapawera Bridge and the State Highway bridge at Motueka, when the flow at Woodmans Bend exceeds 50 cumecs.</p> <p>All tributaries are excluded.</p>	Figure 24: Motueka River - Map 22
Waimea and Wairoa Rivers	<p>The speed limit is uplifted only from the confluence of the Lee River to the sea when the flow at Wairoa at Irvines exceeds 20 cumecs.</p> <p>All tributaries are excluded.</p>	Figure 25: Waimea - Wairoa River - Map 23

Buller River and tributaries	<p>(a) The speed limit is uplifted for all waters (including tributaries) downstream from the Mangles confluence, to the boundary of the district.</p> <p>(b) Between 1 May and 30 September, the speed limit is uplifted for the waters of the main branch (excluding tributaries) from the Harleys Rock Road Bridge to the Mangles confluence when the flow at Longford exceeds 60 cumecs.</p>	Figure 26: Buller River and Tributaries - Map 24
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- (1) Flow levels in these rivers can be determined by telephoning the automatic river gauge reports at (03) 543-8555, or browsing <http://www.tasman.govt.nz/environment/water/rivers/river-flow/>.
- (2) Tasman District Council makes no warranty that navigating the waters listed in this schedule at speed is inherently safe, nor that all of these waters can be navigated. Unmarked hazards are likely to exist.
- (3) The speed limit of 5 knots (9.3 kilometres per hour) pursuant to Rule 91.6(1)(a) applies at all times within 50 metres of any person in the water or any other vessel, including vessels travelling together. 5 knots is the maximum speed at places or times not listed above.
- (4) During the white baiting season (15 August to 30 November) take particular care in tidal rivers to not endanger persons or property with your wake or speed.
- (5) No river in the district is suitable for waterskiing.
- (6) Operating jet boats, personal water craft or other vessels capable of exceeding 10 knots in rivers is regarded as a situation of elevated risk and all occupants must wear a suitable and properly fitted lifejacket pursuant to Rule 91.4(6).
- (7) As a guideline, local kayak and canoe clubs consider 100 cumecs to be the upper flow limit in the Motueka River (as measured at Woodstock) for acceptable paddling risk by the majority of users.
- (8) As a guideline, the Buller River upstream of Murchison is unlikely to be navigable by jet boats at flows of less than 65 cumecs as measured at Longford.
- (9) Users of rivers and lakes that are located within areas under the control of the Department of Conservation should note that certain navigation activities are prohibited in accordance with policies, bylaws or regulations made and enforceable under the Conservation Act 1987, or other relevant legislation. For example, at the date of these Bylaws, the [Nelson/Marlborough Conservation Management Strategy 1996-2006](#) states: "Except where specified by a Conservation Management Plan or National Park Management Plan powered boats will not be permitted on any lake or water body within areas administered by the department". The [Nelson Lakes National Park Bylaws 2006](#) (or their successor) apply to the lakes and rivers of the Nelson Lakes National Park, and prohibit (amongst other matters) overnight stays aboard vessels, motorised boats on the rivers of the park, personal watercraft and hovercraft on the lakes, and vessels over 8m in length (except waka and skiffs).
- (10) Users of inland waterways are asked to do your bit to prevent the spread of pest waterweeds. [Check, clean, dry](#) between waterways, especially between rivers known to have didymosphenia (such as the Buller River) and rivers or tributaries that aren't (such as the Maruia River at the time these Bylaws were drafted). Specific decontamination advice for boats can be found at: <http://www.biosecurity.govt.nz/pests/didymo/cleaning-specific#jet>

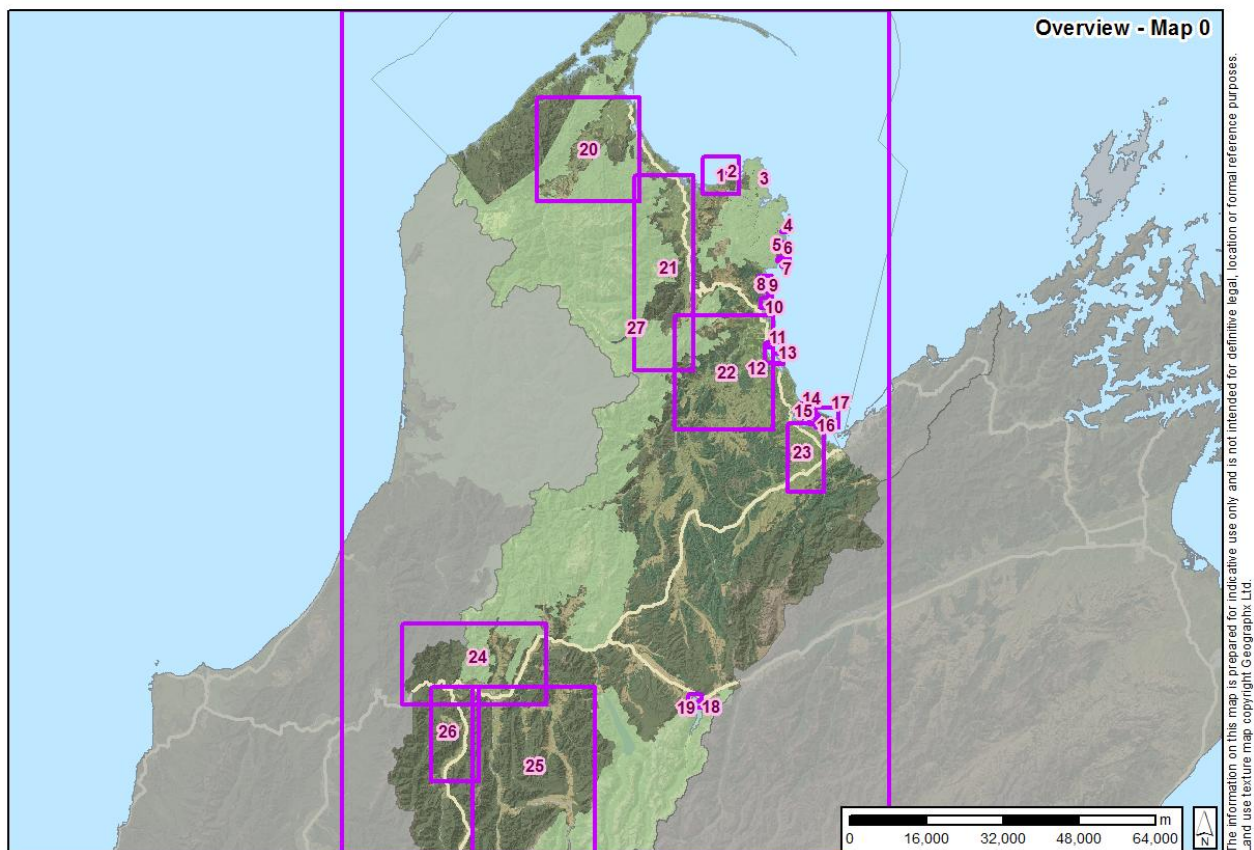
**7. Schedule of Harbour Limits relating to Bylaw 3.11, regarding the 500T Rule.**

Area(s) and conditions	Map(s) with boundaries of restrictions
Tarakohe Harbour Limit - within an arc of 2NM radius from the front Tarakohe Harbour leading light structure, K4198, at 40°49.6'S 172°53.9'E.	Figure 3: Port Tarakohe – Map 1
All waters under the control of these Bylaws that are included within the Nelson Harbour Limit as shown on marine chart NZ614 published by Land Information New Zealand.	Refer to current edition of NZ614 at <a href="http://www.linz.govt.nz/hydro/charts/nz202-chart-catalogue">http://www.linz.govt.nz/hydro/charts/nz202-chart-catalogue</a> .

**8. Schedule relating to Bylaw 3.25.2, where specified activities are prohibited.**

Location	Description and conditions	Map(s) showing boundaries of prohibited area
Cobb Reservoir	<p>All vessels and persons other than those authorised by the operators of the dam for the purpose of maintenance or monitoring are prohibited (for all purposes including (but not limited to) navigation, anchoring, swimming, wading and diving) closer to the dam than the line formed between a pair of white posts with black bands on either shore (approximately 200m from the dam face), unless authorised in writing by the Harbourmaster.</p> <p>The exclusion boundary may also be marked with black buoys with a white stripe.</p> <p><i>Note: The power scheme intake is submerged and situated approximately 100m away from the dam face. At low lake levels a marker buoy for it may emerge to the surface. This intake is extremely hazardous, with an intake flow of up to 7 cumecs and 300mm wide slots on the grille. Keep well clear.</i></p>	Figure 29: Cobb Reservoir - Map 27
Otuwhero Inlet (Marahau)	<p>Personal water craft, WIG craft, hovercraft and kite-propelled vessels are prohibited at all times.</p> <p>Other power-driven vessels are prohibited except as allowed below –</p> <p>(a) power-driven vessels may transit at a maximum speed of 5 knots between the open sea and the launching ramp, or a mooring, or an anchoring position.</p>	Figure 10: Marahau - Map 8



























Kaiteriteri lagoon outlet	All power-driven vessels are prohibited at all times except in emergency.	Figure 11: Kaiteriteri Bay - Map 9
Kaiteriteri Bay	Personal watercraft, WIG craft and hovercraft are prohibited from operating in Kaiteriteri Bay, except for transits made in accordance with the requirements of Part 91. To avoid confusion Kaiteriteri Bay is all areas shoreward from a notional line formed between the outer edges of Torlesse Rock and Kaka Island.	Figure 11: Kaiteriteri Bay - Map 9
Kaiteriteri swimming areas	While the area is marked with buoys, all power-driven vessels are prohibited at all times except in emergency.	Figure 11: Kaiteriteri Bay - Map 9
Rabbit Island beach (south eastern half)	Personal water craft, WIG craft, hovercraft and kite-propelled vessels are prohibited at all times. Other vessels must avoid creating a nuisance that may spook horses. 5 knots maximum speed within 200 metres of shore.	Figure 19: Rabbit Island - Map 17



**Figure 2: Map showing locations of area maps referred to in this schedule**

**Figure 2a: Legend description**

**Legend**

 Water Skiing Direction of Rotation	 'Go Slow' Zone 3 Knots	 Access Point Transit Lane
 Caution (Obstructions Likely)	 Transit Lane (15 Knots speed limit)	 Swimming Area
 Reserved Area Post	 Certain Power Craft and Kite Boarding Prohibited	 Access Lane for Water Skiing
 Waterski Access Lane Post	 All vessels and persons prohibited	 Access Lane for Kiteboarding
 Boat Launching Ramp	 Infrastructure Corridor (Anchoring Prohibited)	 Water Skiing Area
 200m from shore (at high tide)	 Anchoring Prohibited	 Shared High Speed Activity Area
 Speed limit uplifted at all times	 Sea Plane Landing/Take-off Prohibited	 Kiteboarding Area
 Speed limit uplifted during specified flows	 Power Craft Prohibited	 Harbour Limit for 500T rule
 Speed limit uplifted seasonally		
 ATFSR - Coastal Access Points		

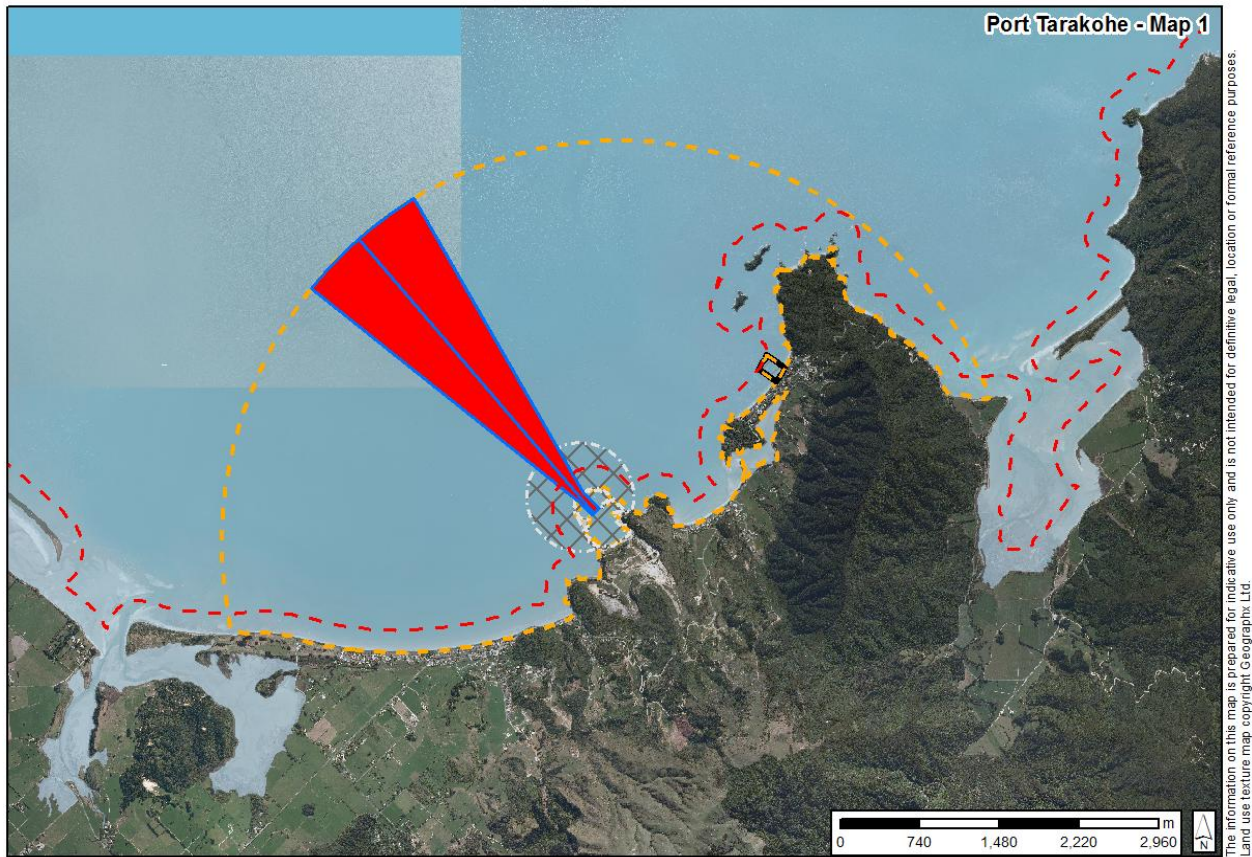










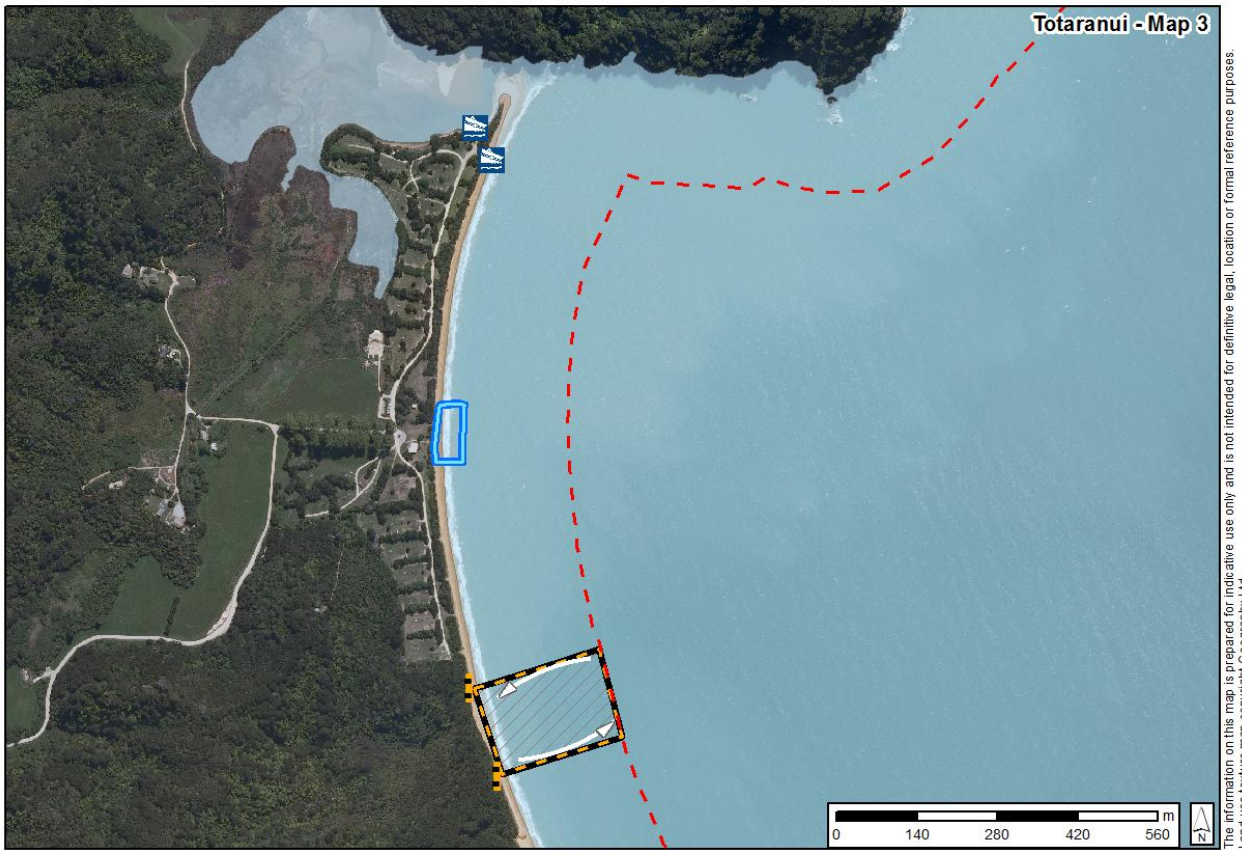
Figure 3: Port Tarkohe - Map 1

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Harbour Limit for 500T rule	<a href="#">Schedule 2.7</a>
 Sea Plane Landing/Take-off Prohibited	<a href="#">Schedule 2.1</a>
 Access Lane for Water Skiing	<a href="#">Schedule 2.3</a>
 Anchoring Prohibited	<a href="#">Schedule 2.2</a>






**Figure 4: Tata Beach - Map 2**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Harbour Limit for 500T rule	<a href="#">Schedule 2.7</a>
 Access Lane for Water Skiing	<a href="#">Schedule 2.3</a>



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**Figure 5: Totaranui - Map 3**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Access Lane for Water Skiing	<a href="#">Schedule 2.3</a>
 ATFSR - Coastal Access Points	<a href="#">Bylaw 1.7</a>



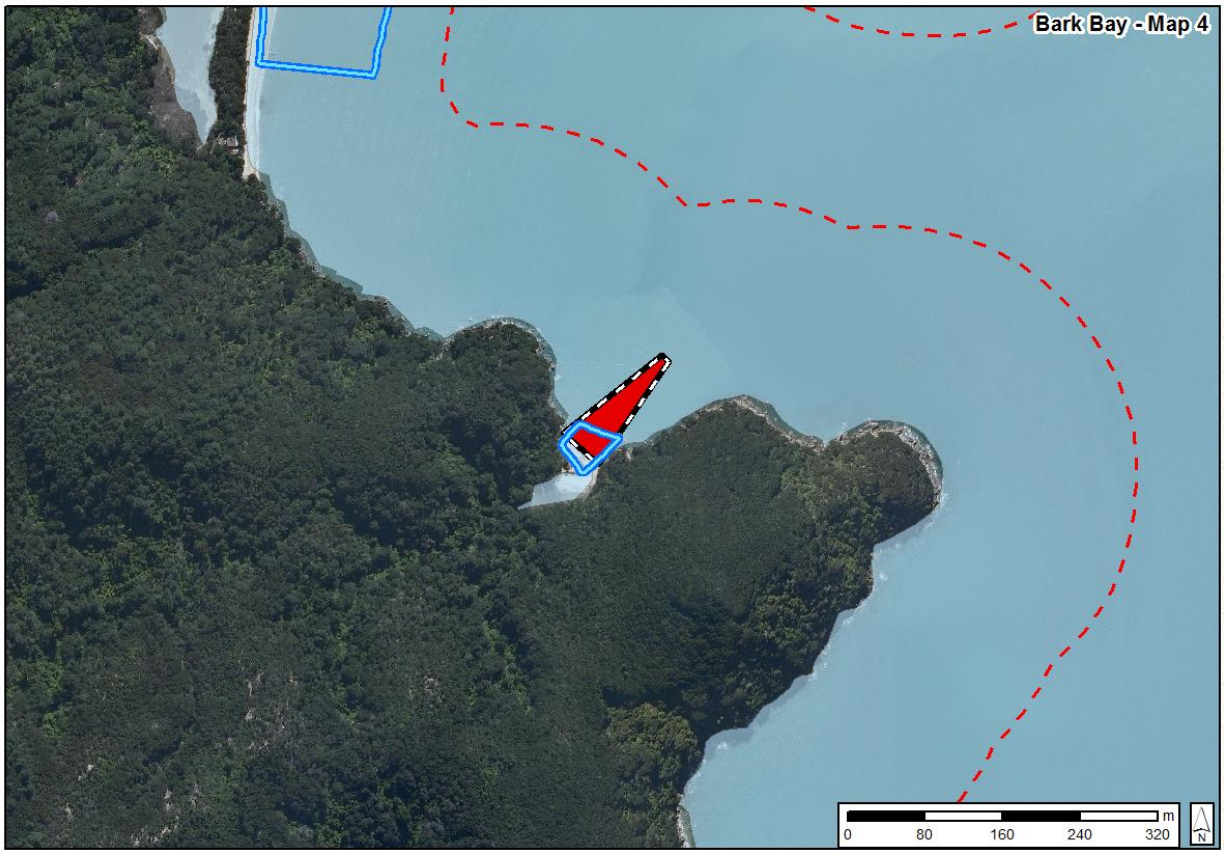



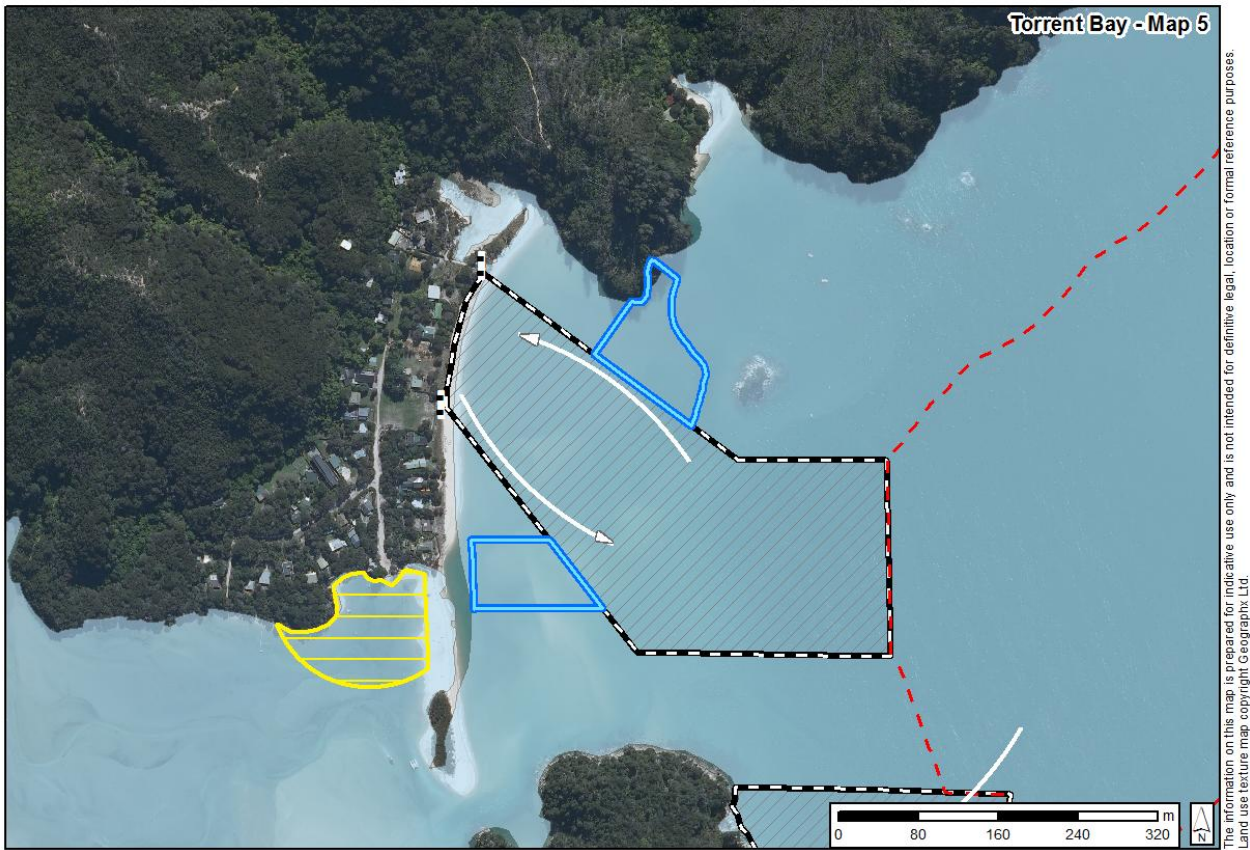






Figure 6: Bark Bay - Map 4

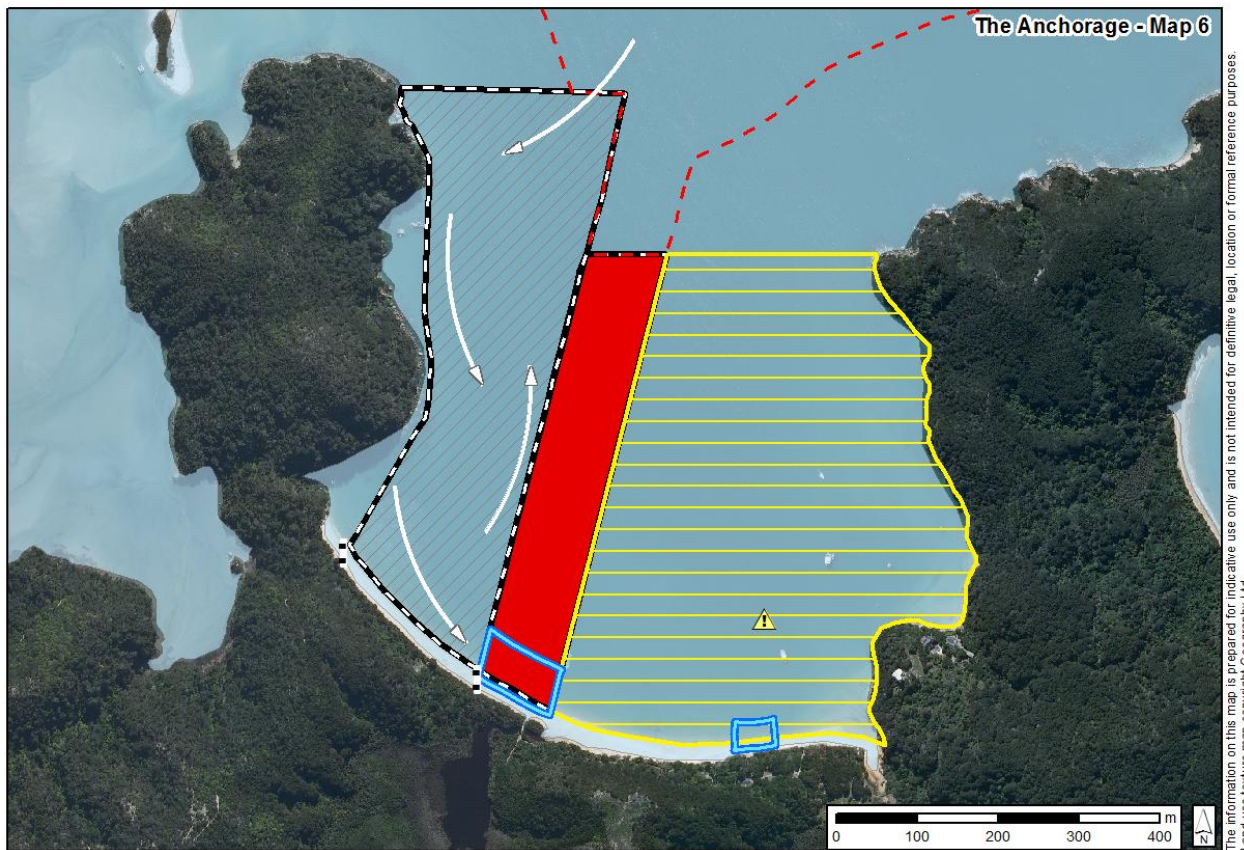
Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Access Point Transit Lane	<a href="#">Schedule 2.5d</a> and <a href="#">Schedule 2.2</a>
 ATFSR - Coastal Access Points	<a href="#">Bylaw 1.7</a>



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**Figure 7: Torrent Bay - Map 5**

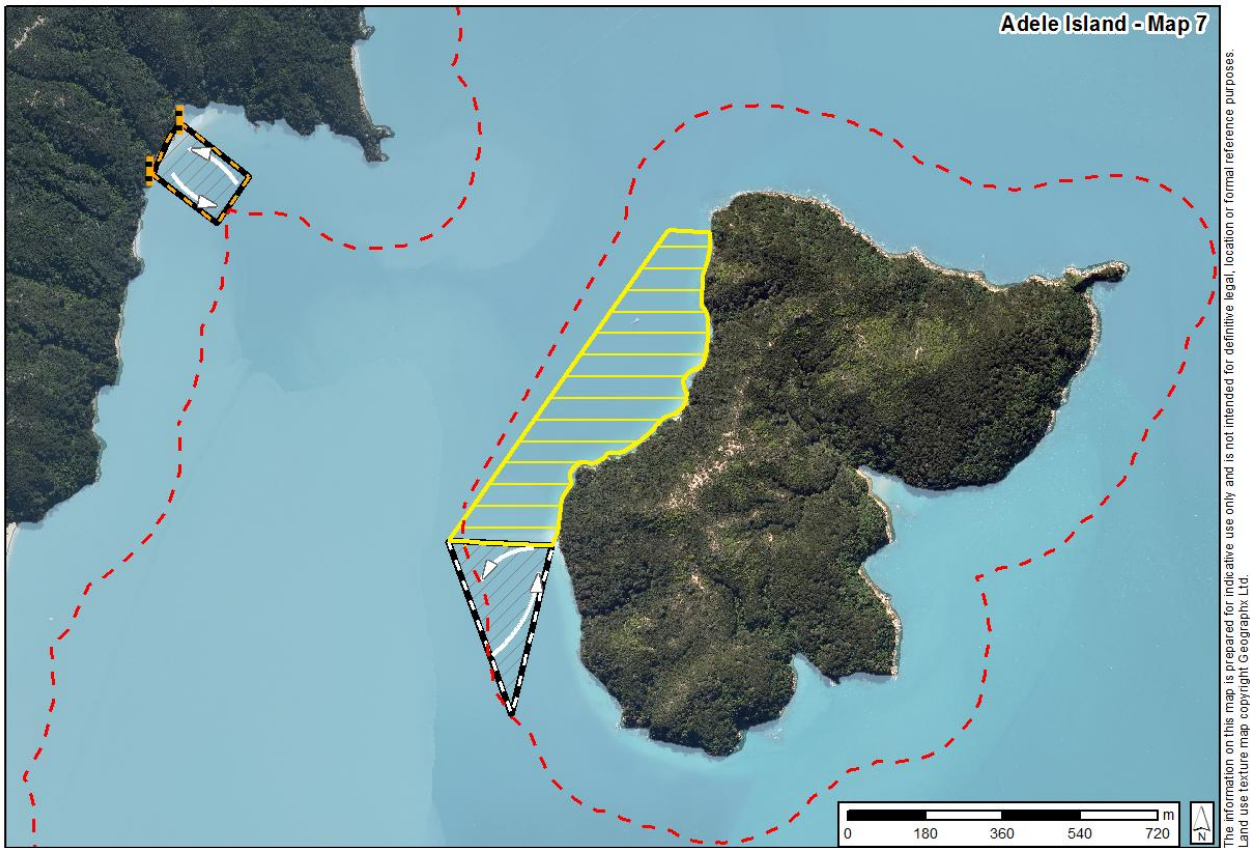
Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 'Go Slow' Zone 3 Knots	<a href="#">Schedule 2. 4</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>
 ATFSR - Coastal Access Points	<a href="#">Bylaw 1.7</a>



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**Figure 8: The Anchorage (Browns Beach) - Map 6**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Access Point Transit Lane	<a href="#">Schedule 2.5d</a> and <a href="#">Schedule 2.2</a>
 'Go Slow' Zone 3 Knots	<a href="#">Schedule 2.4</a>
 Water Skiing Area	<a href="#">Schedule 2.5a</a>
 Caution (Obstructions Likely)	Charted rock within Access Point Transit Lane. Seasonally marked with a north cardinal buoy.
 ATFSR - Coastal Access Points	<a href="#">Bylaw 1.7</a>



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**Figure 9: Adele Island - Map 7**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 'Go Slow' Zone 3 Knots	<a href="#">Schedule 2. 4</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>
 Access Lane for Water Skiing	<a href="#">Schedule 2.3</a>

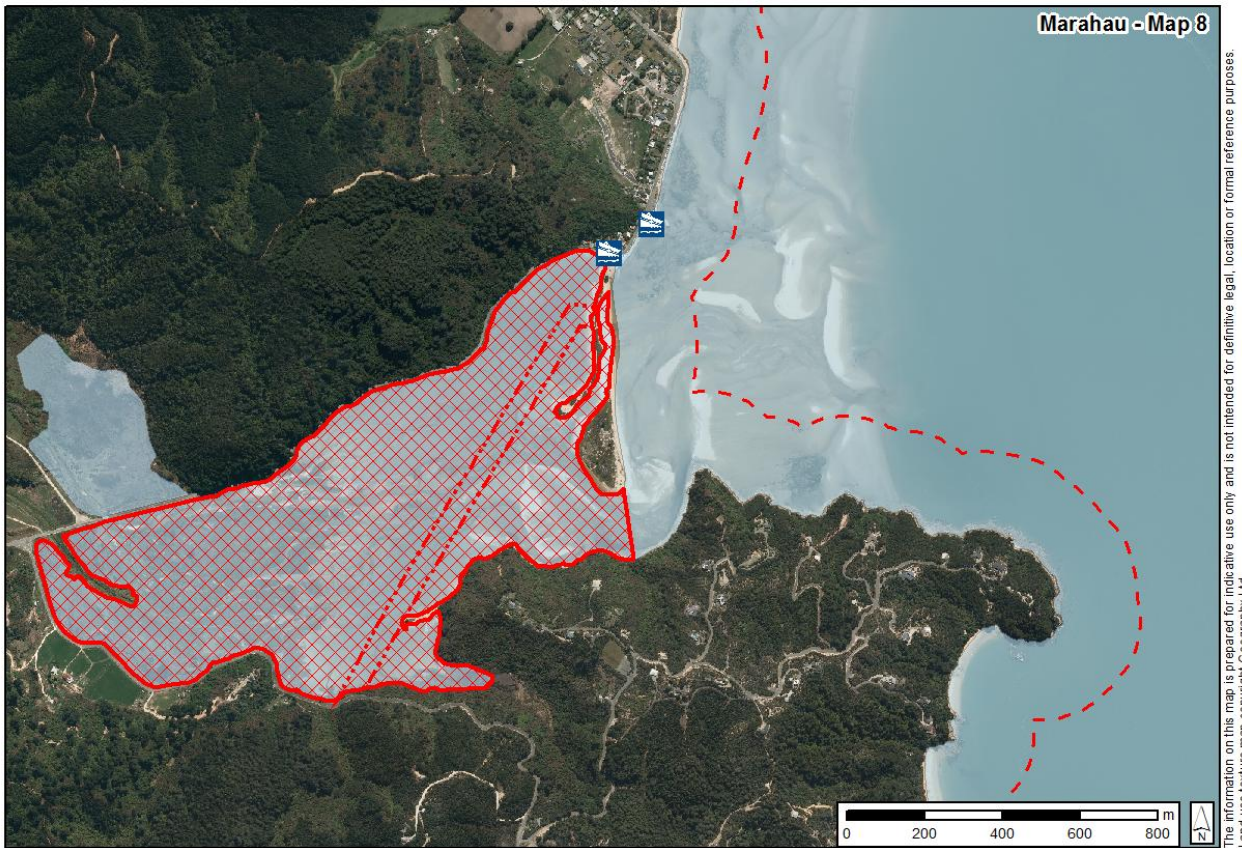



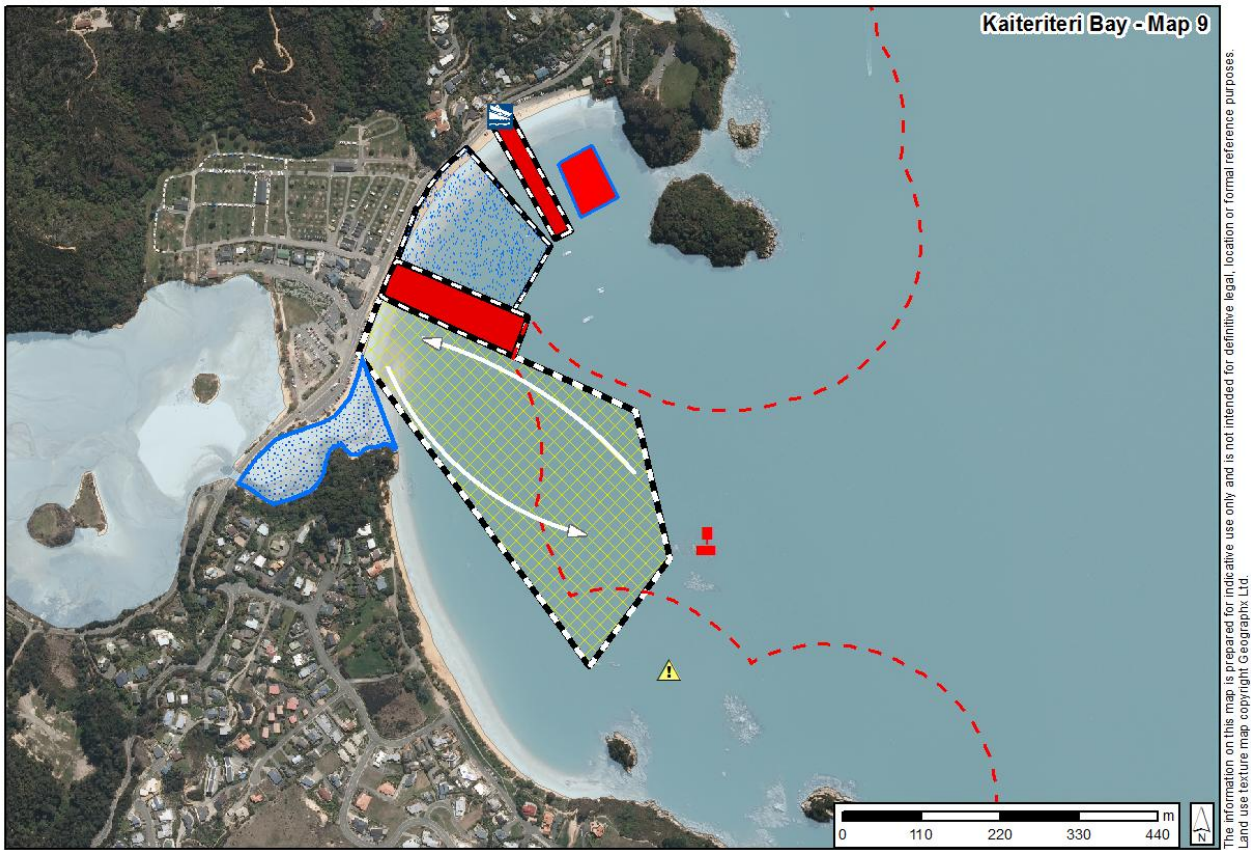







Figure 10: Marahau - Map 8

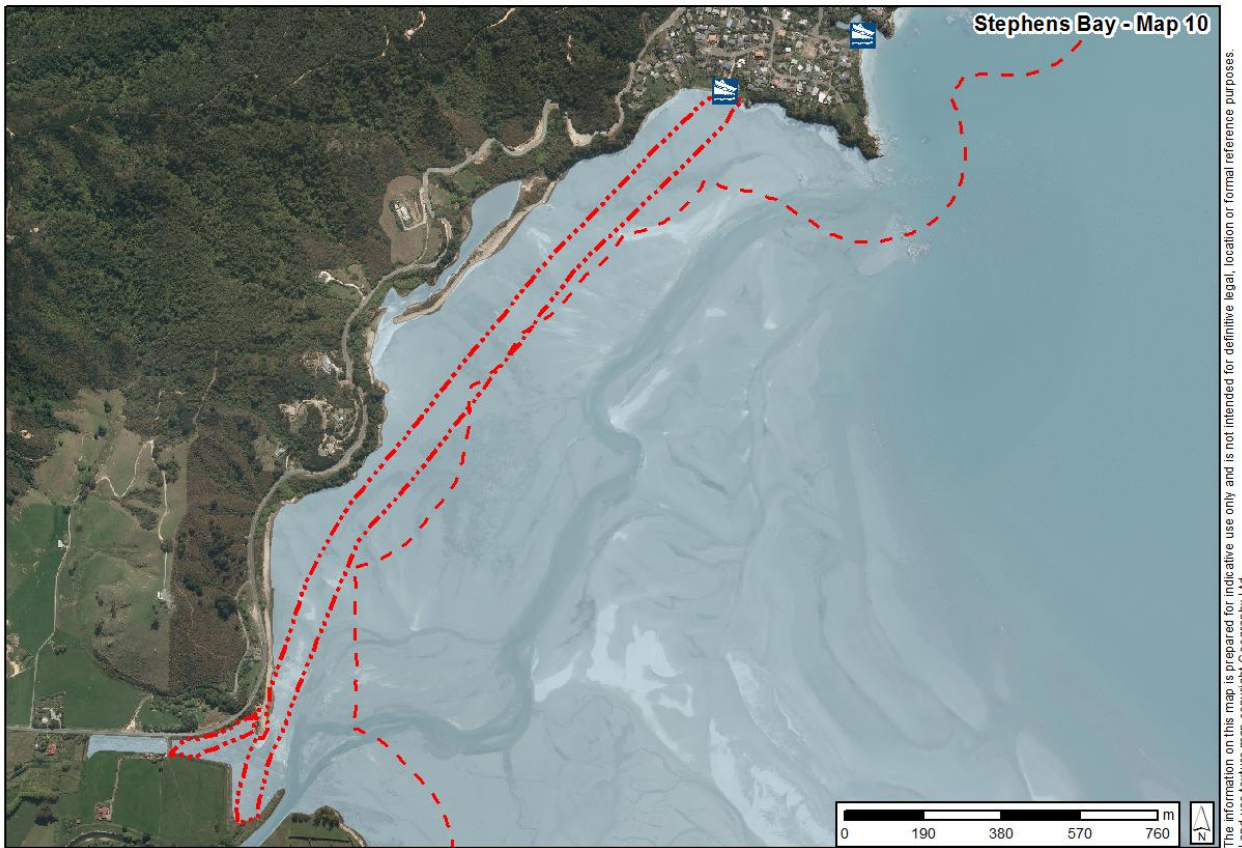
Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Infrastructure Corridor (Anchoring Prohibited)	<a href="#">Schedule 2. 2</a>
 Certain Power Craft and Kite Boarding Prohibited	<a href="#">Schedule 2. 8</a> and <a href="#">Schedule 2. 1</a>





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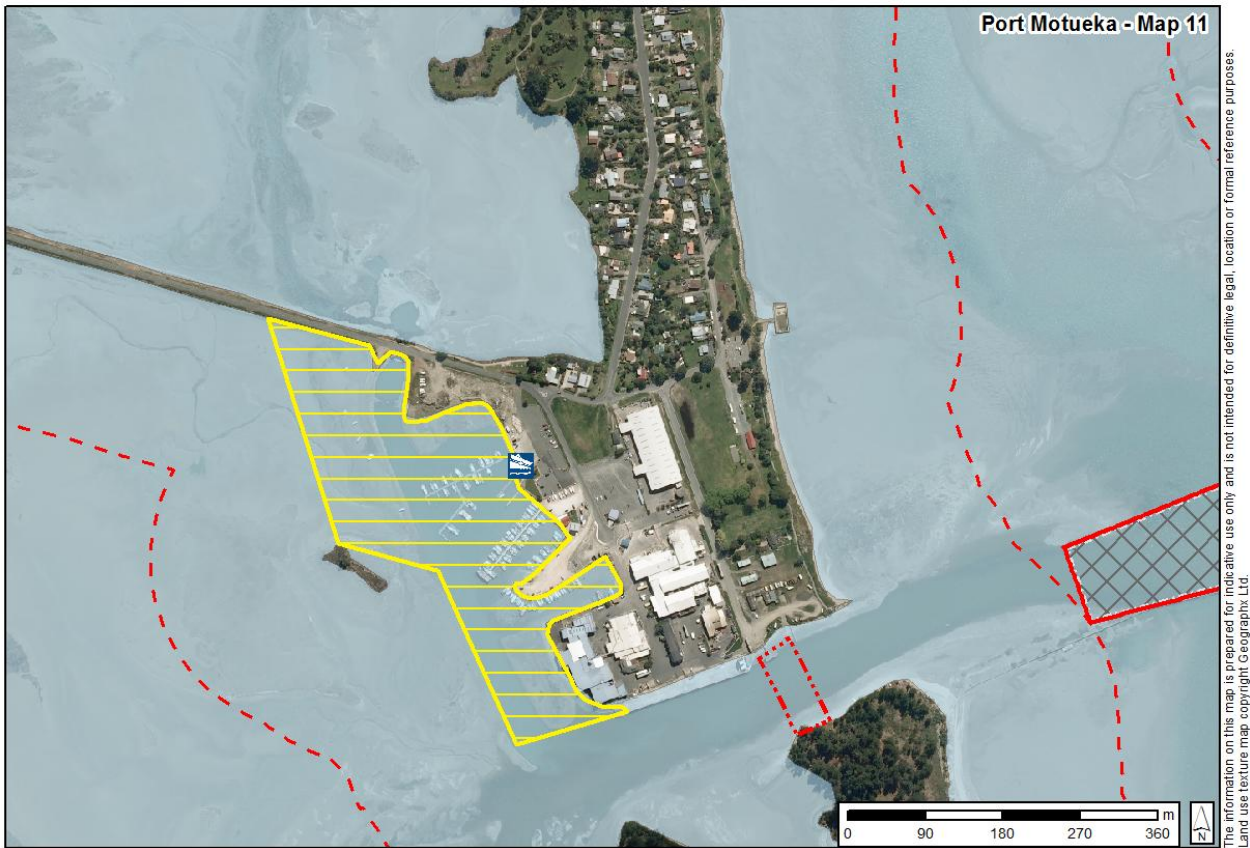
Figure 11: Kaiteriteri - Map 9

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Access Point Transit Lane	<a href="#">Schedule 2.5d</a> and <a href="#">Schedule 2.2</a>
 Anchoring Prohibited	<a href="#">Schedule 2.2</a>
 Swimming Area	<a href="#">Schedule 2.5b</a>
 Power Craft Prohibited	<a href="#">Schedule 2.8</a>
Not shown: Personal watercraft, WIG craft and hovercraft are prohibited from operating in Kaiteriteri Bay except for lawful transits between beach or ramp and open sea.	<a href="#">Schedule 2.8</a>
 Caution (Obstructions Likely)	Multiple submerged rocks both inshore and offshore in this general area








**Figure12: Stephens and Tapu Bays - Map 10**

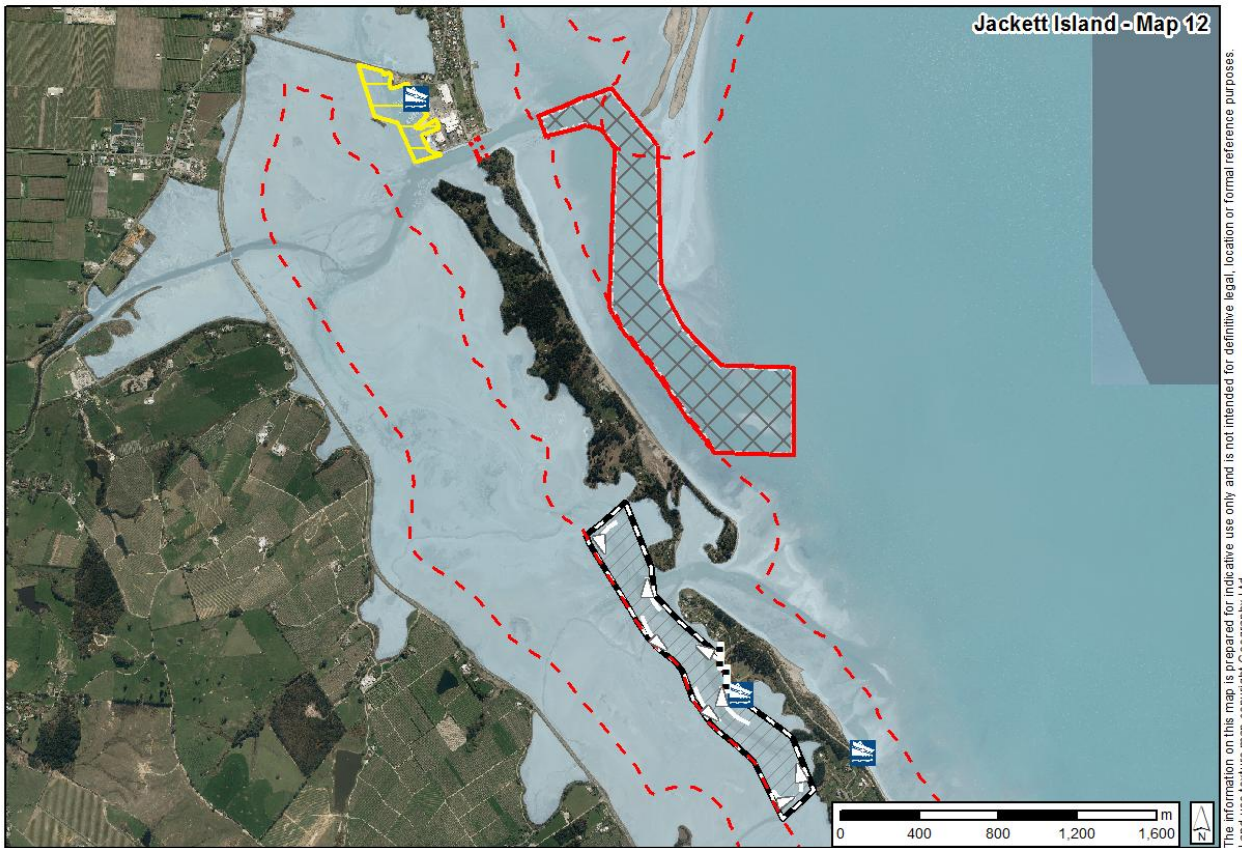
Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Infrastructure Corridor (Anchoring Prohibited)	<a href="#">Schedule 2. 2</a>



**Figure13: Port Motueka - Map 11**






Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 'Go Slow' Zone 3 Knots	<a href="#">Schedule 2. 4</a>
 Infrastructure Corridor (Anchoring Prohibited)	<a href="#">Schedule 2. 2</a>
 Transit Lane (15 Knots speed limit)	<a href="#">Schedule 2. 5e</a>
 Sea Plane Landing/Take-off Prohibited	<a href="#">Schedule 2.1</a>

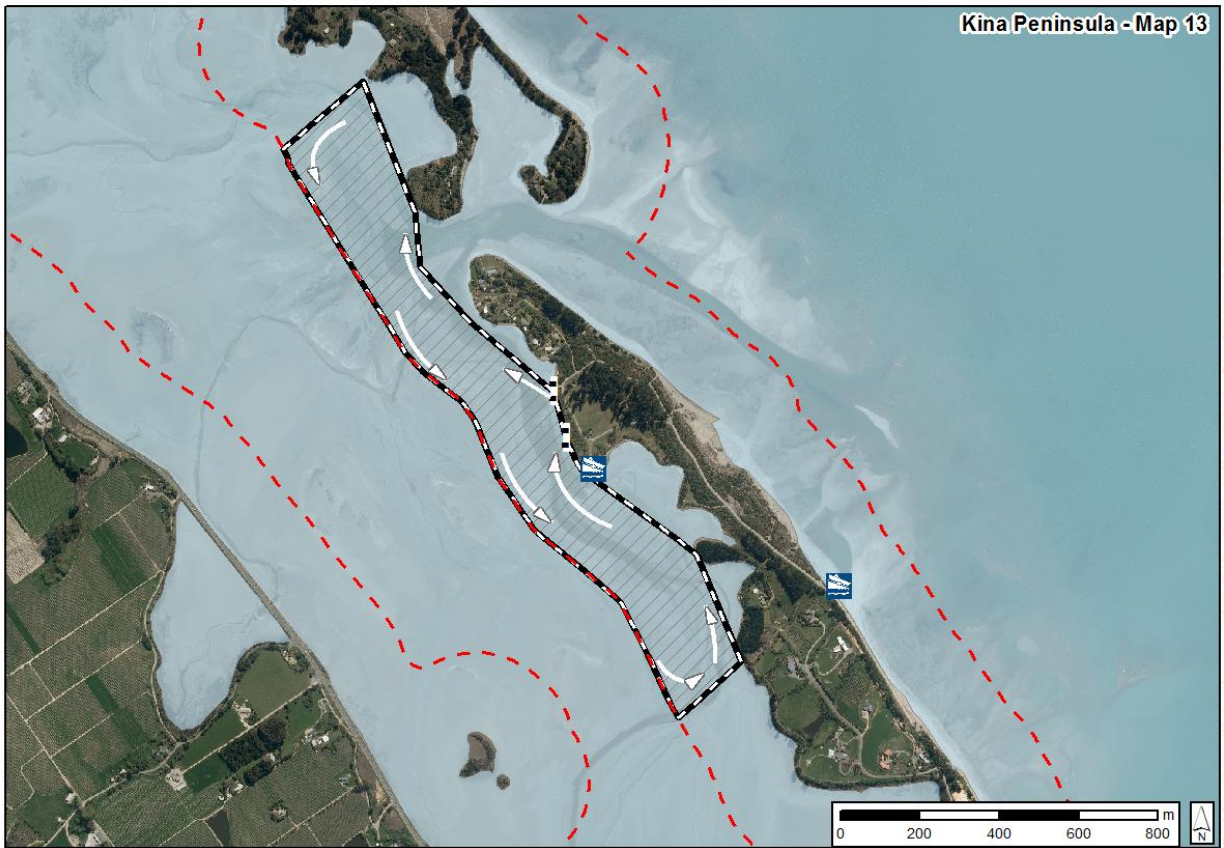






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**Figure 14: Jackett Island (Motueka approaches) - Map 12**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 'Go Slow' Zone 3 Knots	<a href="#">Schedule 2. 4</a>
 Infrastructure Corridor (Anchoring Prohibited)	<a href="#">Schedule 2. 2</a>
 Transit Lane (15 Knots speed limit)	<a href="#">Schedule 2. 5e</a>
 Sea Plane Landing/Take-off Prohibited	<a href="#">Schedule 2.1</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>



**Figure 15: Kina Peninsula - Map 13**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>

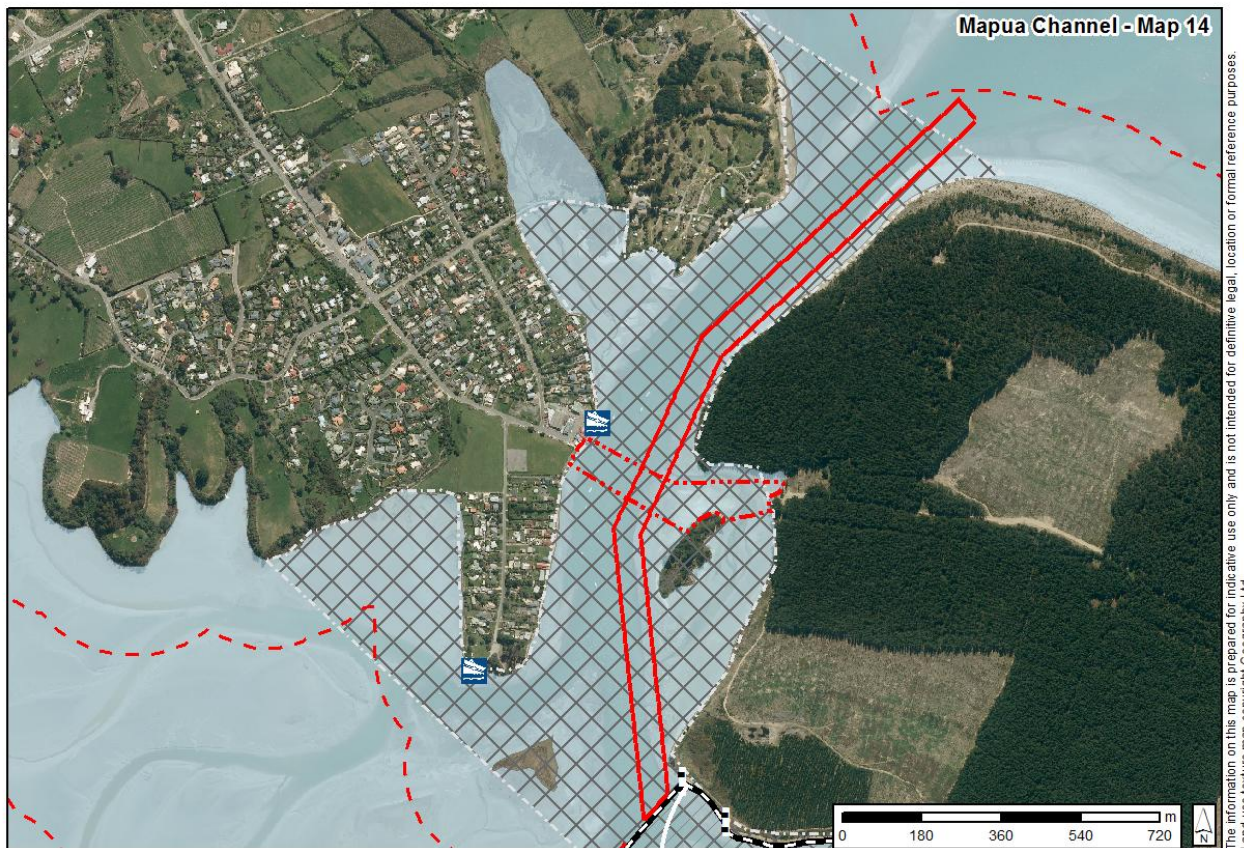







Figure 16: Mapua Channel - Map 14

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Infrastructure Corridor (Anchoring Prohibited)	<a href="#">Schedule 2. 2</a>
 Transit Lane (15 Knots speed limit)	<a href="#">Schedule 2. 5e</a>
 Sea Plane Landing/Take-off Prohibited	<a href="#">Schedule 2.1</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>

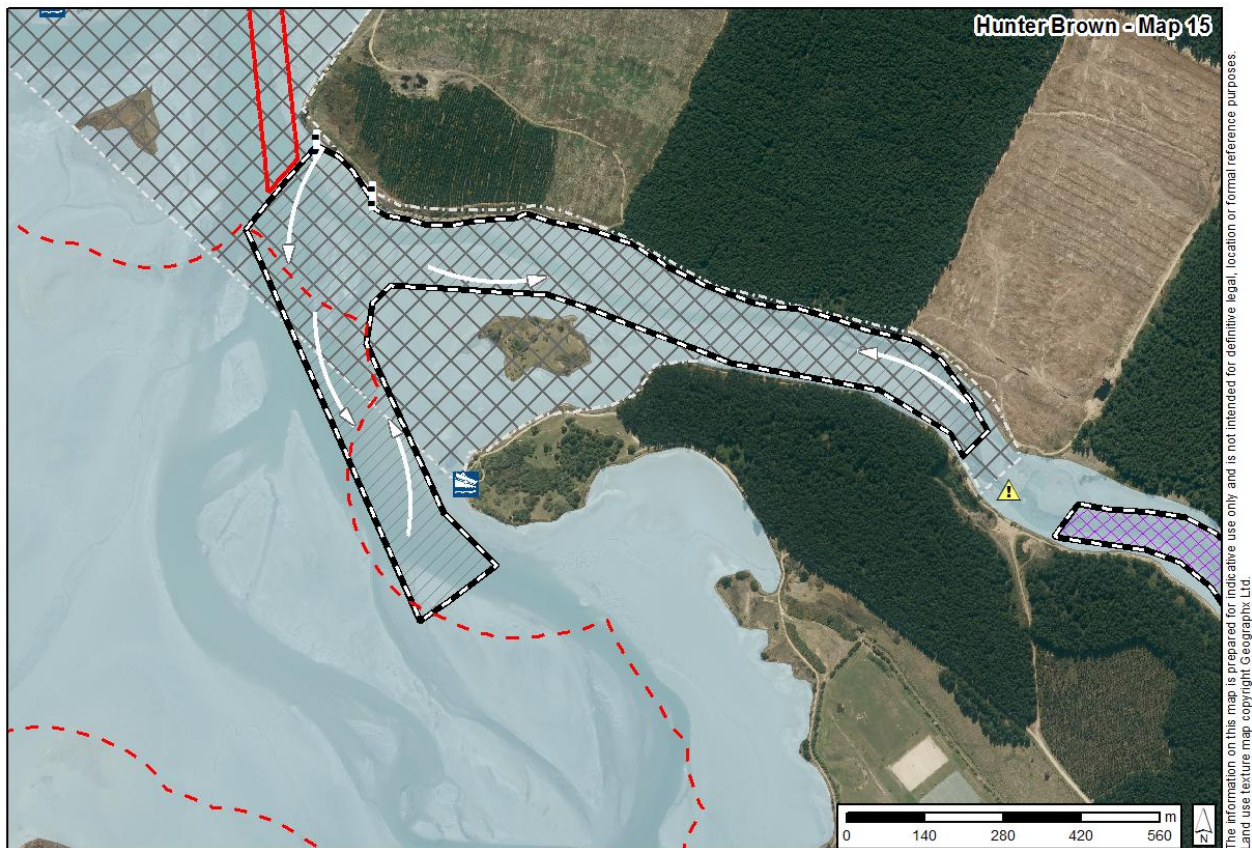






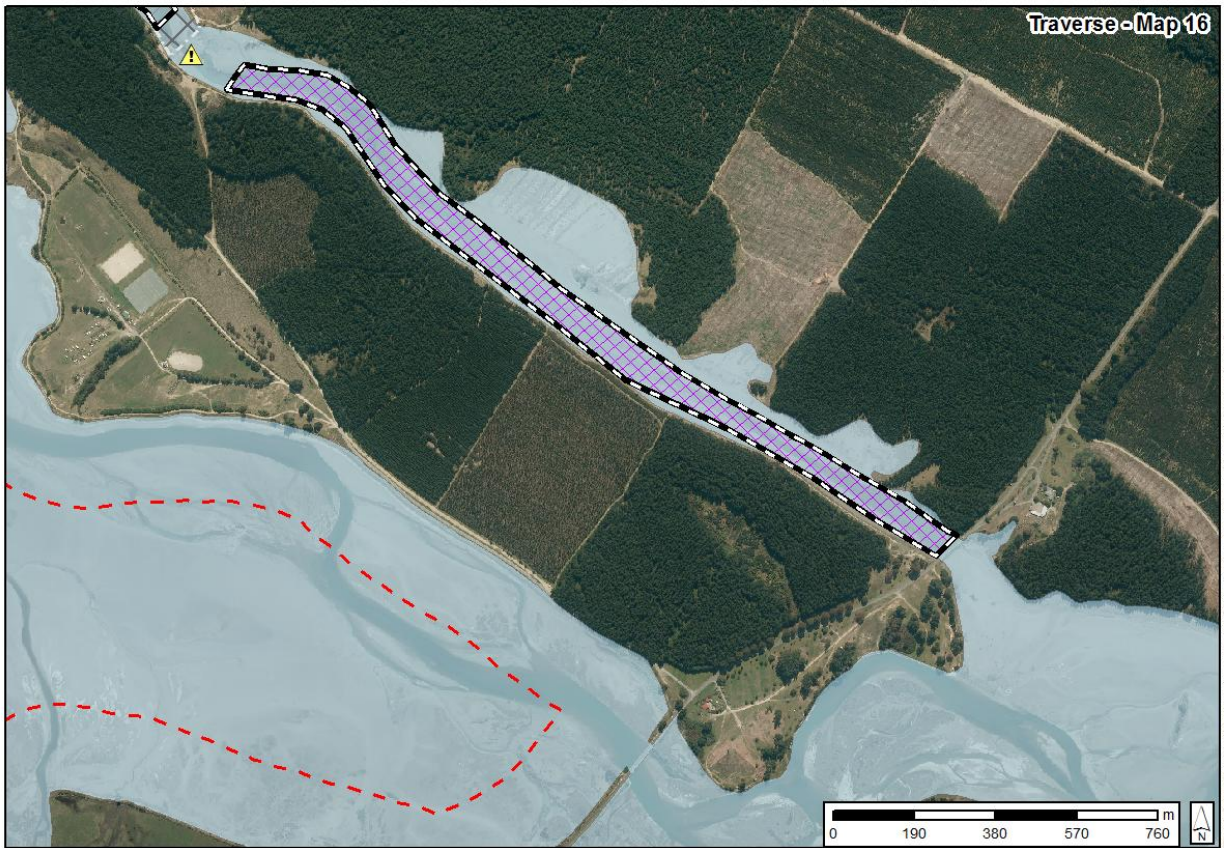







Figure 17: Hunter Brown - Map 15

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Transit Lane (15 Knots speed limit)	<a href="#">Schedule 2. 5e</a>
 Sea Plane Landing/Take-off Prohibited	<a href="#">Schedule 2.1</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>
 Shared High Speed Activity Area	<a href="#">Schedule 2. 5c (and 5a)</a>
 Caution (Obstructions Likely)	Extremely shallow where causeway formerly crossed this channel, even near high tide.



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**Figure18: Traverse - Map 16**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Sea Plane Landing/Take-off Prohibited	<a href="#">Schedule 2.1</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>
 Shared High Speed Activity Area	<a href="#">Schedule 2. 5c (and 5a)</a>
 Caution (Obstructions Likely)	Extremely shallow where causeway formerly crossed this channel, even near high tide.

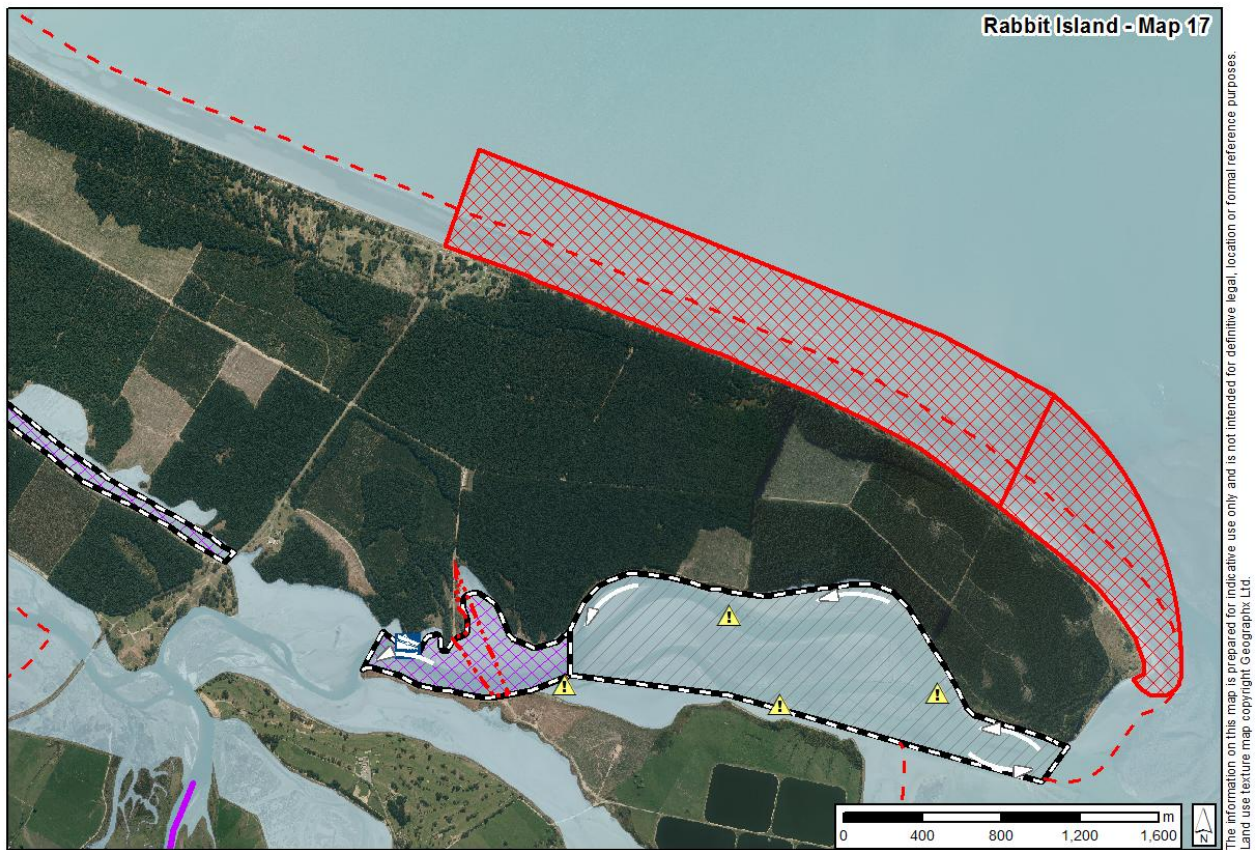









Figure 19: Rabbit Island - Map 17

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>
 Shared High Speed Activity Area	<a href="#">Schedule 2. 5c (and 5a)</a>
 Certain Power Craft and Kite Boarding Prohibited	<a href="#">Schedule 2. 8</a>
 Infrastructure Corridor (Anchoring Prohibited)	<a href="#">Schedule 2. 2</a>
 Speed limit uplifted during specified flows	<a href="#">Schedule 2. 6</a>
 Caution (Obstructions Likely)	Logs, oyster and mussel banks occur throughout the Rabbit Island water-ski area. The most prominent at the time these Bylaws were made are approximately marked by this symbol.

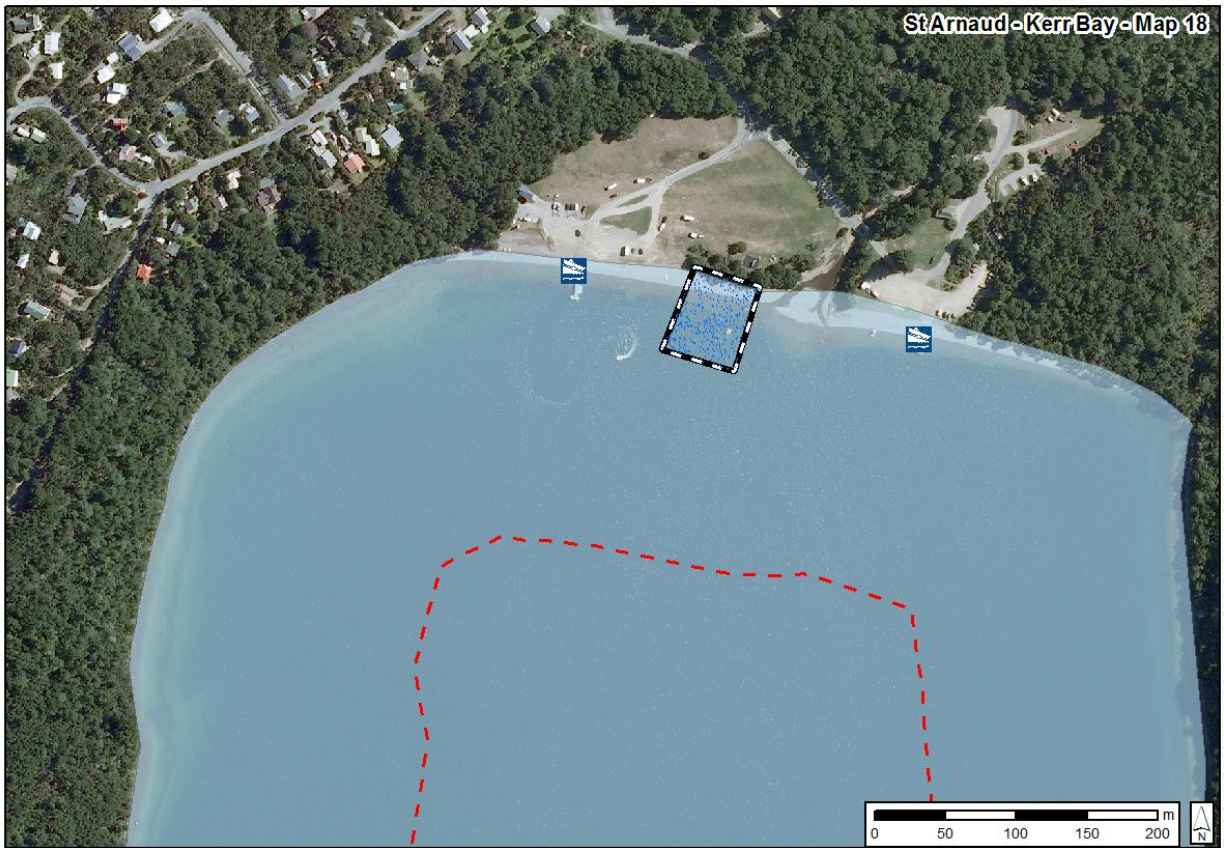


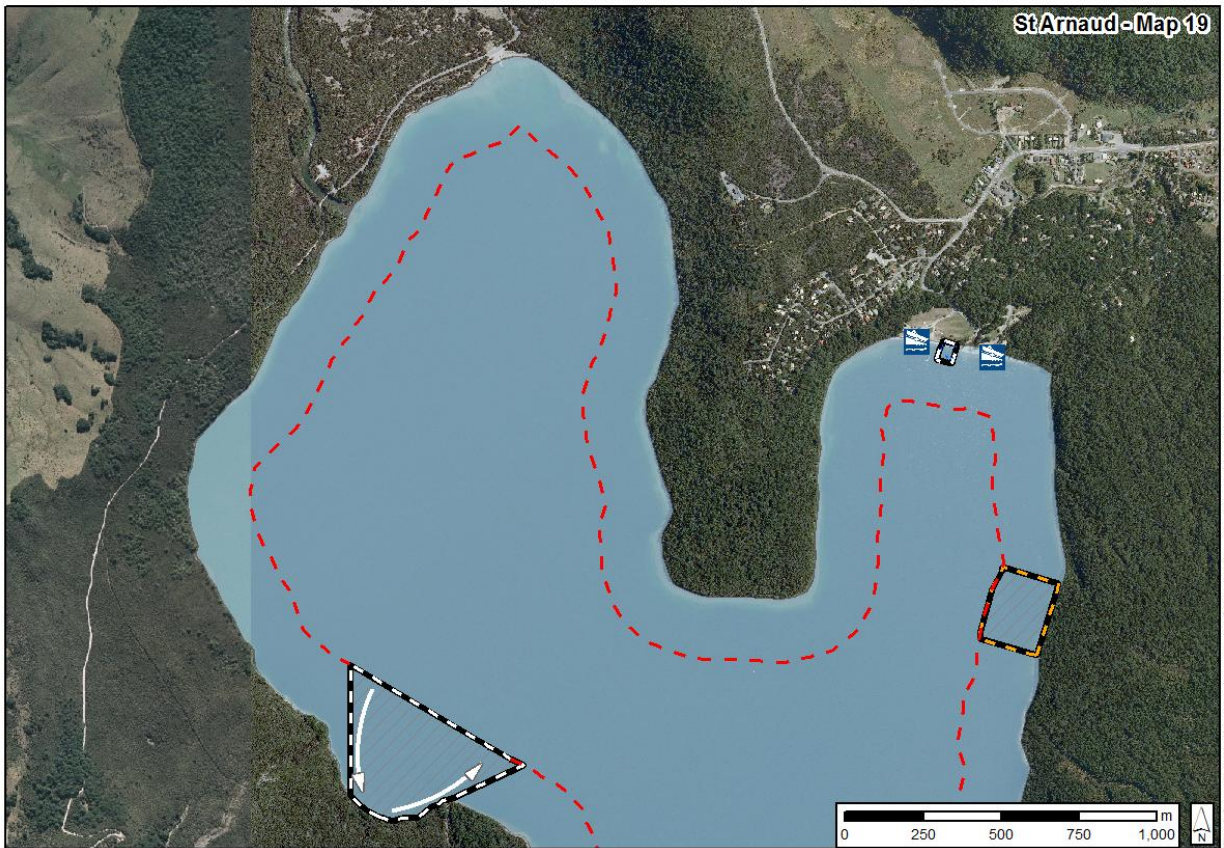


Figure 20: St Arnaud - Kerr Bay - Map 18





Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Swimming Area	<a href="#">Schedule 2. 5b</a> and <a href="#">Schedule 2. 1</a>

Note: The 200m line from the beach at Kerr Bay is marked by orange triangles on either side of the bay



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**Figure 21: Lake Rotoiti - Map 19**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 200m from shore (at high tide)	<a href="#">Bylaw 3.3</a>
 Swimming Area	<a href="#">Schedule 2. 5b</a> and <a href="#">Schedule 2. 1</a>
 Access Lane for Water Skiing	<a href="#">Schedule 2.3</a>
 Water Skiing Area	<a href="#">Schedule 2. 5a</a>

*Note: The 200m line from the beach at Kerr Bay is marked by orange triangles on either side of the bay.*



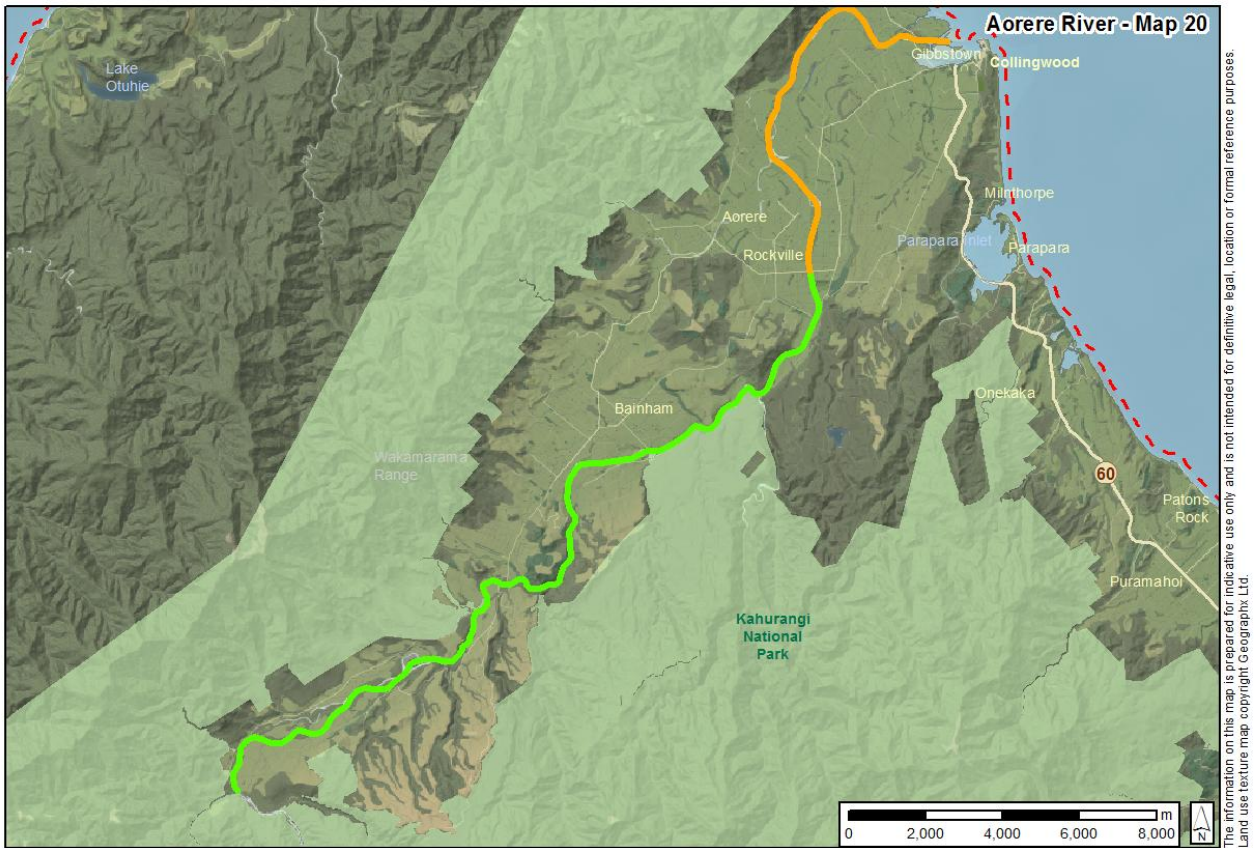




Figure 22: Aorere River - Map 20

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted at all times	<a href="#">Schedule 2. 6</a>
 Speed limit uplifted seasonally	<a href="#">Schedule 2. 6</a>

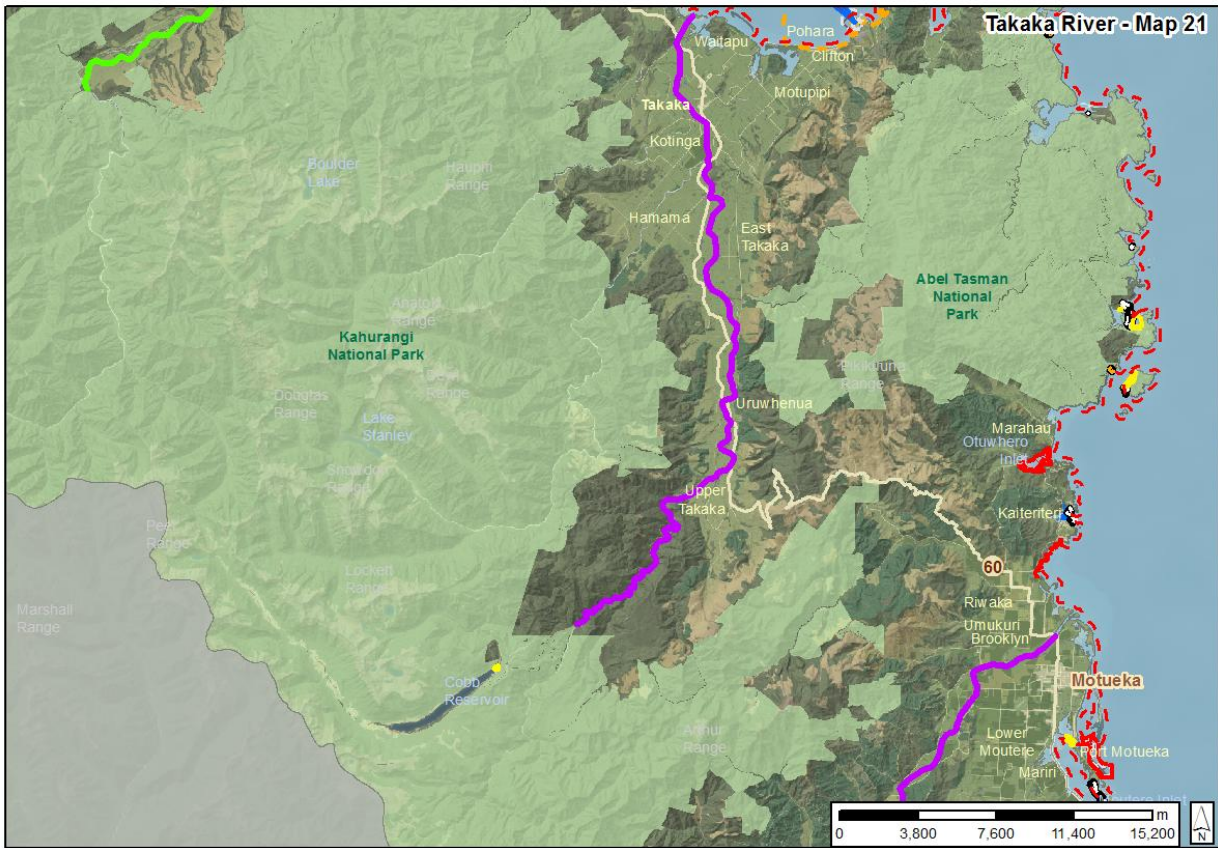



Figure 23: Takaka River - Map 21

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted during specified flows	<a href="#">Schedule 2.6</a>

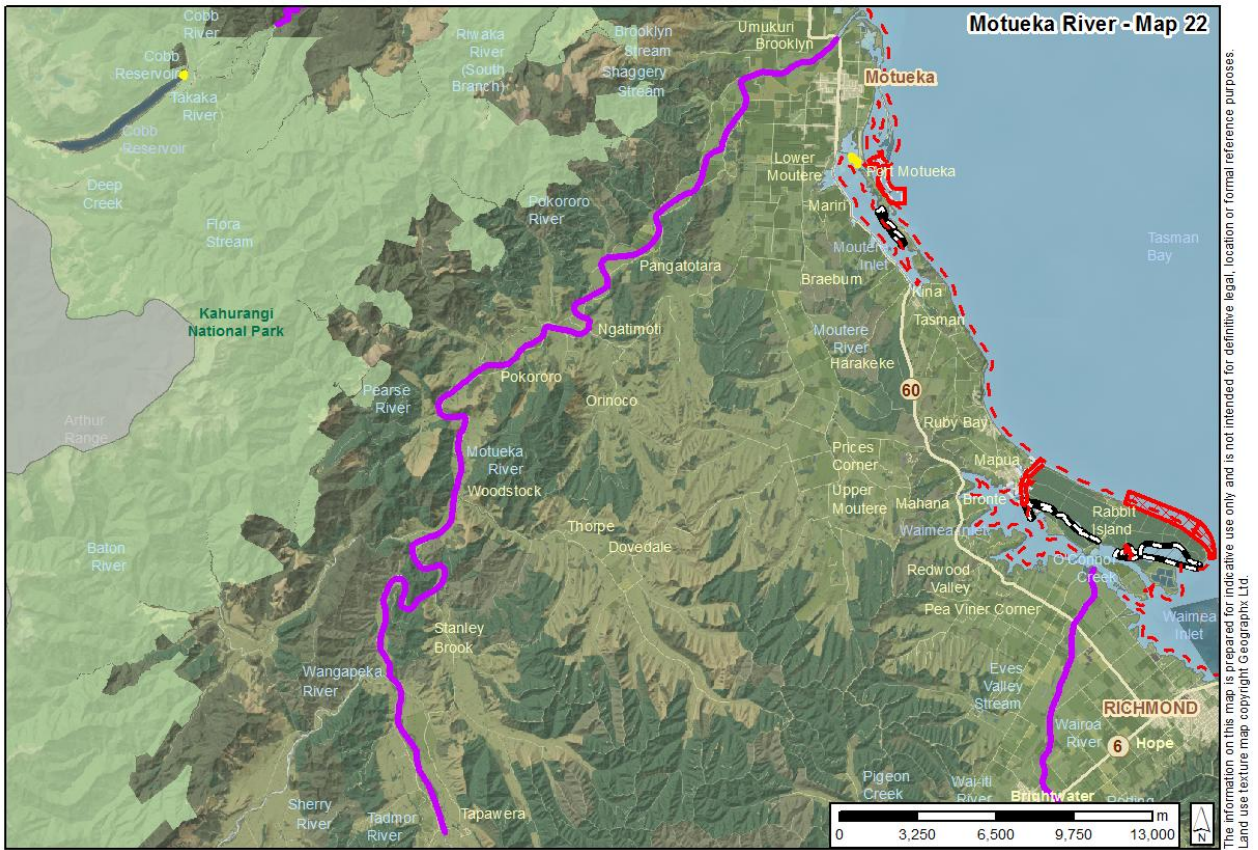

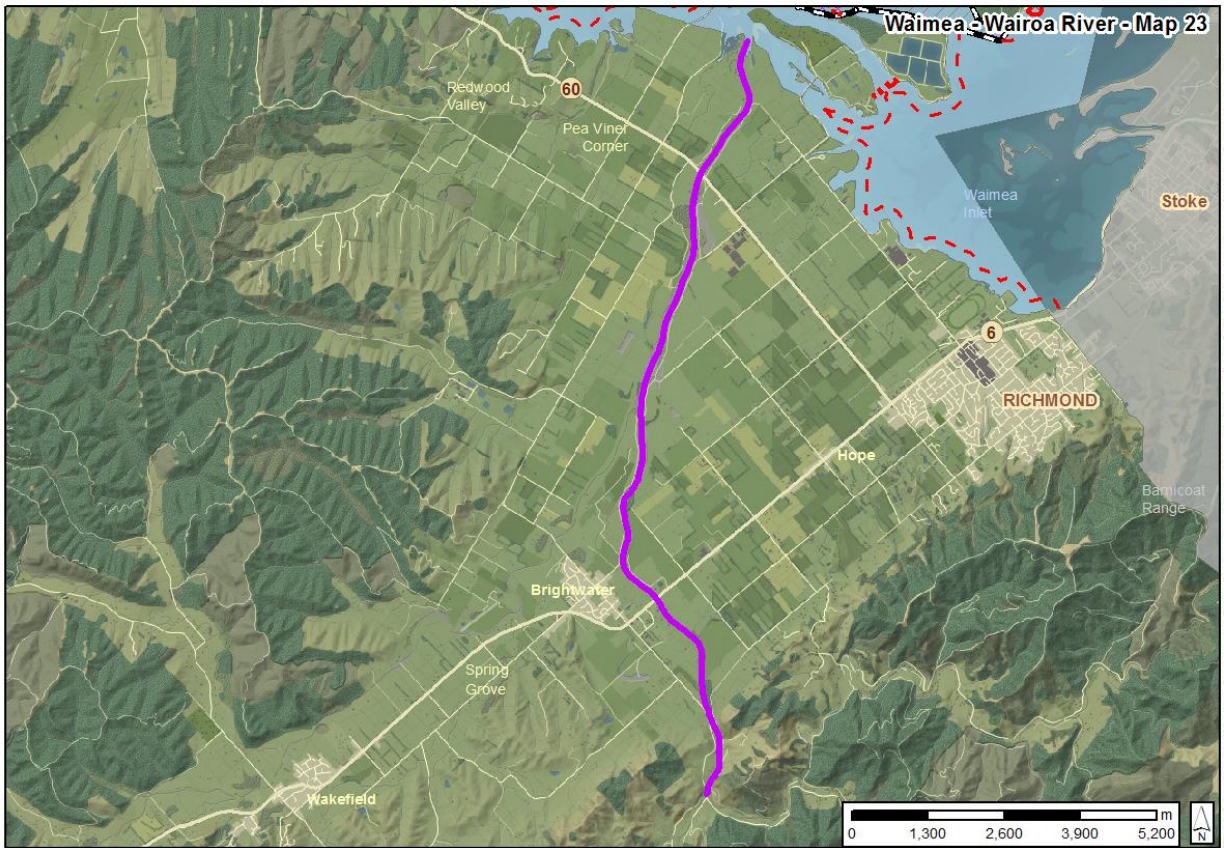



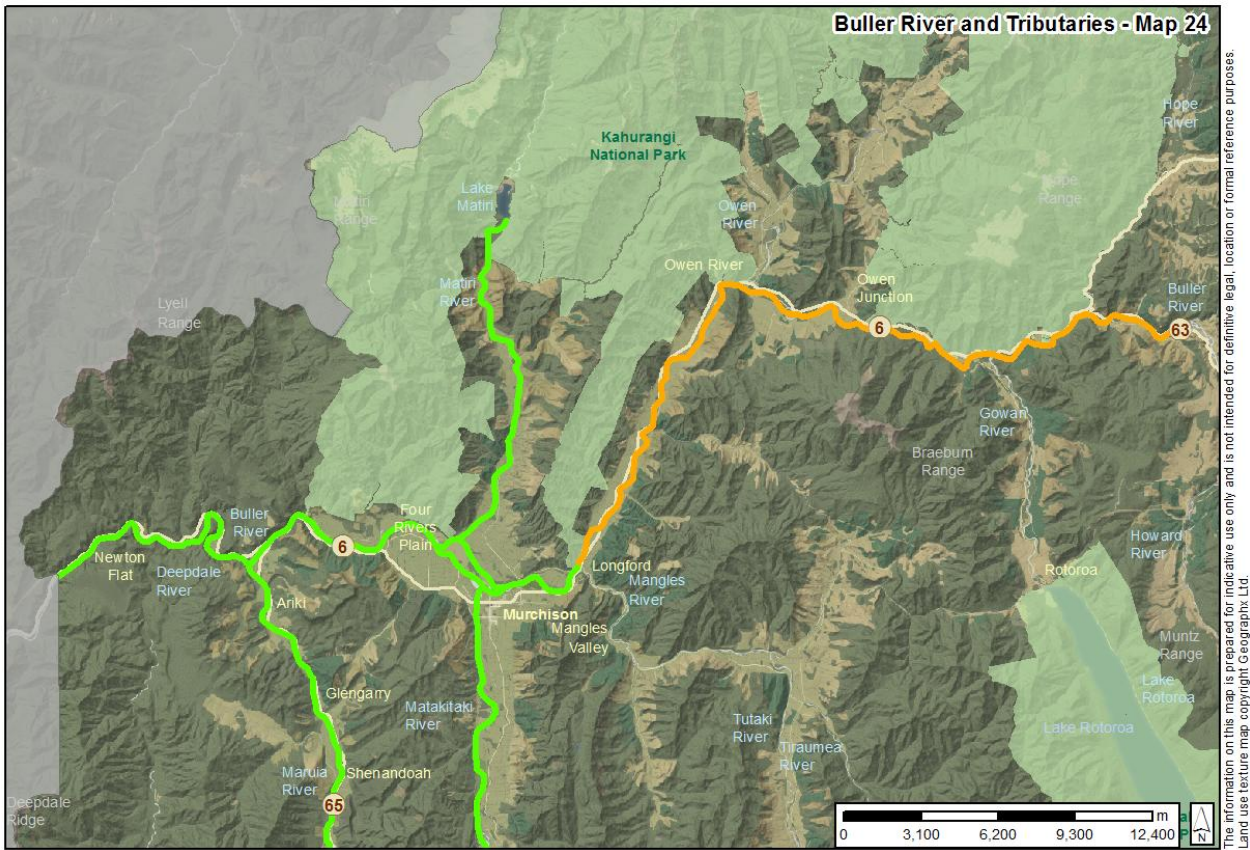
Figure 24: Motueka River - Map 22

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted during specified flows	<a href="#">Schedule 2. 6</a>





**Figure 25: Waimea - Wairoa Rivers - Map 23**

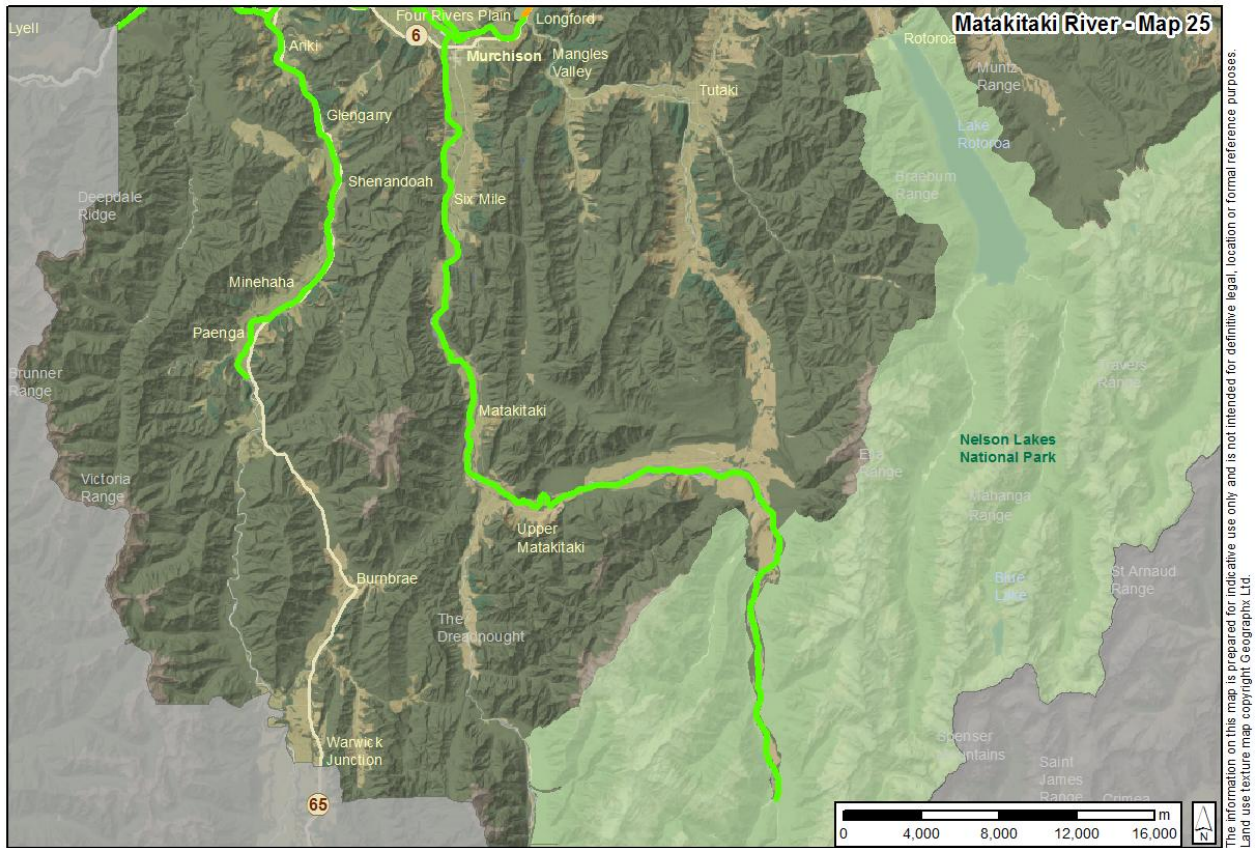
Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted during specified flows	<a href="#">Schedule 2.6</a>




**Figure 26: Buller River and tributaries - Map 24**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted seasonally <i>(note: specified flow rate also applies)</i>	<a href="#">Schedule 2. 6</a>
 Speed limit uplifted at all times	<a href="#">Schedule 2. 6</a>

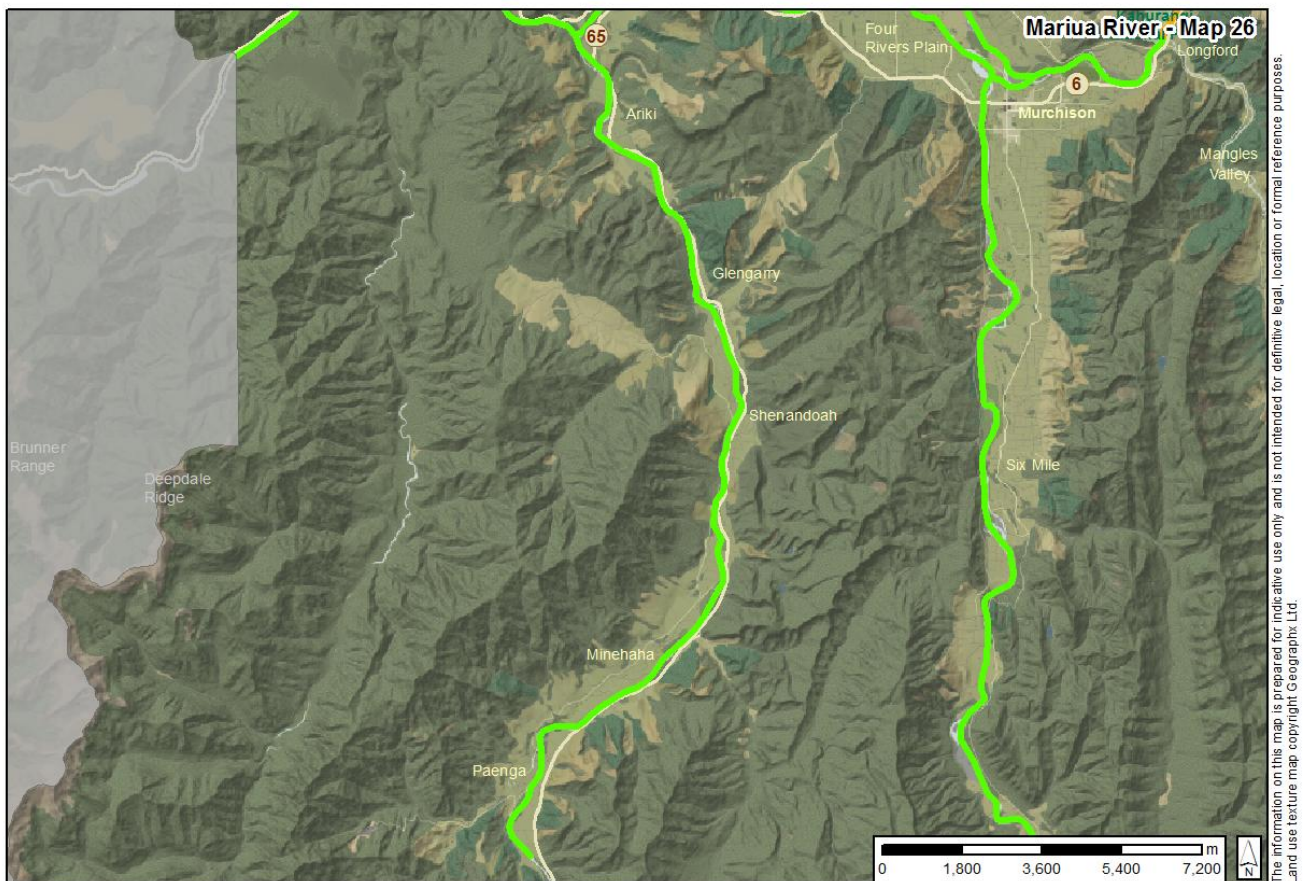
*Note: Only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.*



**Figure 27: Matakaitaki River (Buller tributary) - Map 25**


Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted at all times	<a href="#">Schedule 2.6</a>

*Note: Only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.*



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**Figure 28: Maruia River (Buller tributary) - Map 26**

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 Speed limit uplifted at all times	<a href="#">Schedule 2. 6</a>

*Note: Only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.*



Figure 29: Cobb Reservoir - Map 27

Access lane, reserved area, zone or feature shown	Refer to Schedule or Bylaw Clause Shown
 All vessels and persons prohibited	<a href="#">Schedule 2. 8</a>



## SCHEDULE 3: INFRINGEMENT OFFENCES AND FINES

(Relates to [Bylaw 6.3.3](#))

Description of Bylaw Provision	Bylaw Clause	Offence Description	Fine
Collision Prevention	2.2	Failure to comply with Maritime Rules Part 22.	\$100
Speed of Vessels	3.3.3	Exceeding any speed limit in a specified area.	\$200
	3.3.1	Exceeding 5 knots inshore of a 5 knot marker buoy.	\$200
Wake	3.4	Navigating a commercial vessel in such a manner that its wake causes unnecessary danger or risk of damage to other vessels, persons or structures.	\$200
Reserved areas	3.7	Undertaking an activity in breach of a condition specified in Schedule 2, Clause 5, in the specified reserved area.	\$100
	3.7.3	Entering, remaining in or undertaking an activity in a reserved area other than the priority while the priority activity is taking place.	\$100
Anchoring and Obstructions	3.8.1(a)	Anchoring so as to create a hazard in relation to an authorised mooring.	\$50
	3.8.1(b)	Failure to relocate upon request when anchored close to authorised mooring.	\$100
	3.8.2(a)	Placing a marker buoy in breach of requirements.	\$50
Navigation Aids	3.9.3	Erecting etc anything that may be mistaken for an aid to navigation without approval from harbourmaster.	\$100
	3.9.4	Erecting a submarine cable or pipeline marker without written permission from harbourmaster.	\$100
Distance from vessel showing Flag B	3.10.2	Allowing vessel carrying explosives to approach within 200m of another vessel in certain places without permission.	\$200

<b>Description of Bylaw Provision</b>	<b>Bylaw Clause</b>	<b>Offence Description</b>	<b>Fine</b>
Temporary Events	3.13.1	Failure to apply for authorisation for temporary event from the harbourmaster.	\$100
Safety devices to be used if fitted	3.15	Operating a paddleboard without using any attached tether.	\$50
Swimming or Diving around Wharves and Ramps.	3.16.1	Swimming or diving around Tarakohe or Motueka wharves without permission in breach of requirement.	\$100
	3.16.2	Swimming or diving near certain maritime facilities and in certain other areas so as to cause an obstruction to vessels.	\$50
Use of vessel engine around wharves and ramps	3.17.1	Operating propulsion system in a manner that may result in damage, injury or scouring.	\$100
	3.17.2	Failure of commercial vessel to warn those nearby before testing propulsion system.	\$100
	3.18.1	Impeding a seaplane taking off or landing	\$200
	3.18.2	Operating a seaplane without permission in locations where they are prohibited.	\$200
Sound and light signals	3.19	Sounding horn within port, anchoring area or mooring area in breach of requirements.	\$100
Prohibited anchorages	3.20.1	Occupying a prohibited anchorage in breach of requirements.	\$100
	3.20.2	Anchoring or mooring within 25 metres of a submarine cable or pipeline.	\$500
Damage to submarine cables or pipes	3.21.2	Failure to take steps to minimise damage to fouled cable or pipe and/or to notify harbourmaster without delay.	\$1000
Notification of accidents, incidents and mishaps	3.22.1	Failure to report as required.	\$200
	3.22.3	Moving a vessel after an accident that affects seaworthiness, in breach of requirements.	\$200

<b>Description of Bylaw Provision</b>	<b>Bylaw Clause</b>	<b>Offence Description</b>	<b>Fine</b>
Overloading and stability	3.23.1	Operating a recreational vessel in contravention of safety placard.	\$100
	3.23.2	Continuing to operate a recreational vessel in contravention of any instructions given by an officer in relation to stability.	\$500
Discharge of navigational hazards	3.24	Towing, mooring, placing or leaving any log in tidal waters without permission. Discharging or dropping any cargo or other thing from any vessel, structure or land that may constitute a danger to maritime safety.	\$100
Prohibited zones	3.25.1	Undertaking a specified prohibited activity within a prohibited zone.	\$100
Moorings	4.1.1	Placing, having, relocating, rigging or using a mooring or berth without authorisation.	\$500
Interference with mooring lines etc	4.3.1	Unlawful interference with mooring lines or cables.	\$200
Vessels to be serviceable and seaworthy.	4.4.1	Not maintaining an anchored or moored vessel in a seaworthy condition without written permission.	\$200
Structures	4.5.2	Inoperative marine farm light.	\$200
	4.5.3	Structure poses danger to maritime safety.	\$100
	4.5.4	Erection or installation of any structure within 25 metres of a marked submarine cable or pipeline without written approval.	\$1000
Commercial Operations	5.1.1 (a)	Operating a commercial vessel operation without a valid licence from Council.	\$200
	5.1.8 (b)	Breach of any reasonable term or condition of a licence.	\$100
Obstructive conduct	6.3.1 (b)	Failure to comply with any lawful direction of an officer.	\$500
	6.3.1 (c)	Impeding, delaying, deceiving etc an officer who has produced evidence of identity.	\$500

<b>Description of Bylaw Provision</b>	<b>Bylaw Clause</b>	<b>Offence Description</b>	<b>Fine</b>
Power to close wharves and other maritime facilities	7.1.1 (a)	Entering upon a closed wharf or facility.	\$200
Persons on wharves etc under control of Council	7.1.2 (a)	Failure to promptly obey an order by a Council officer.	\$200
Persons on wharves etc under control of Council	7.1.2 (b)	Obstructing wharf or store traffic, or vessel movements, without authority.	\$200
Users to obey signage and conditions	7.1.4	Use of any maritime facility in contravention of regulatory signage.	\$100
Ability to restrict activities on wharves etc	7.2.1	Failure to observe a determination of an authorised Council officer.	\$100
Landing and storage of goods	7.2.2 (a)	Placing, landing or leaving goods on a wharf or in a store without permission.	\$200
Power to search vessels	7.2.4	Obstructing a Council officer while ascertaining dues.	\$200
Dangerous goods and oils	7.2.5	Placing or leaving dangerous goods without permission.	\$500
Dangerous goods and oils	7.2.5 (d)	Transferring oil between shore and ship without an approved Tier-1 site oil spill contingency plan.	\$500
Decaying goods	7.2.6	Placing or leaving decaying goods.	\$200
Trans-shipping of goods within regional waters	7.2.10 (a)	Failure to declare trans-shipping of goods.	\$200
Duty to notify chargeable use of maritime facilities	7.2.11	Failure to notify of chargeable use within 24 hours.	\$100
Cables, pipelines, structures, signage and moorings	7.3.1 (b)	Failure to notify Harbourmaster 14 days in advance of installation, removal or alteration.	\$100
Cables, pipelines, structures, signage and moorings	7.3.1 (c)	Failure to obtain permission in advance of installation, removal or alteration.	\$100
Occupation of Mapua wharf and floating Jetty	7.5.2(b)	Leaving vessel unattended on shoreward side of floating jetty.	\$50

<b>Description of Bylaw Provision</b>	<b>Bylaw Clause</b>	<b>Offence Description</b>	<b>Fine</b>
Occupation of Mapua wharf and floating jetty	7.5.2(d)	Mooring a vessel in excess of 10m length at floating jetty.	\$100
Occupation of Mapua wharf and floating jetty	7.5.2(e)	Mooring a vessel overnight at floating jetty.	\$100
Occupation of Mapua wharf and floating jetty	7.5.2(f) or (g)	Use of inspection grid in breach of requirements.	\$100
Occupation of Mapua wharf and floating jetty	7.5.2(h)	Long-term casual berthing without permission.	\$50
Occupation of Riwaka wharf	7.5.3(a) or (b)	Occupying Riwaka wharf in breach of requirements.	\$50
Liveaboard provisions	7.6.1(a)	Sleeping aboard any vessel at a maritime facility without prior approval.	\$50
Liveaboard provisions	7.6.1(b)	Breaching condition of approval for overnight stay.	\$50
Liveaboard provisions	7.6.1(e)	Discharging any contaminant from a vessel at a maritime facility.	\$500



# SCHEDULE 4: MARITIME FACILITIES UNDER COUNCIL CONTROL

## WHARVES, RAMPS AND OTHER FACILITIES

### 1. Tarakohe Harbour (Port Golden Bay)

Responsible Council manager: **Commercial Manager**

Contact for berthage and other operational enquiries:

#### **Tarakohe Harbour Manager**

03 525 8174

[portgoldenbay@portgoldenbay.co.nz](mailto:portgoldenbay@portgoldenbay.co.nz)

All lands, structures and facilities forming Sec 1 SO 15263, including but not limited to:

- (a) Trailer boat launching ramp
- (b) Trailer boat ramp floating pontoon
- (c) main wharf
- (d) old wharf
- (e) floating marina
- (f) finger jetties
- (g) Swing or pile moorings of any description situated within the harbour bounded by the tips of the outer breakwater arms
- (h) Hardstand
- (i) Boat storage compound

### 2. Mapua Harbour

Responsible Council manager: **Transportation Manager**

Contacts for berthage and other operational enquiries:

1. **Mapua wharfinger** (Where appointed)
2. **Duty Harbourmaster** 03 543 8400, [harbourmaster@tasman.govt.nz](mailto:harbourmaster@tasman.govt.nz)

- (a) Mapua wharf
- (b) Mapua floating jetty
- (c) Mapua wharf boat ramp

### 3. Riwaka

Responsible Council manager: **Transportation Manager**

Contacts for berthage and other operational enquiries:

1. Riwaka wharfinger
2. Duty Harbourmaster 03 543 8400, [harbourmaster@tasman.govt.nz](mailto:harbourmaster@tasman.govt.nz)

- (a) Riwaka wharf (Old Wharf Road)
- (b) Green Tree Road trailer boat ramp

#### **4. Other jetties**

Responsible Council manager: **Transportation Manager**

- (a) Torrent Bay jetty
- (b) Best Island jetty
- (c) Marahau jetty

#### **5. Other council-controlled formed boat ramps**

Responsible Council manager: **Transportation Manager**

- (a) Best Island
- (b) Rabbit Island
- (c) Marahau
- (d) Tata Beach
- (e) Rangihaetata

Responsible Council manager: **Commercial Manager**

- (a) Pohara Beach Camp
- (b) Riverview Motor Camp (Buller River at Murchison)
- (c) Collingwood Motor Camp

#### **6. Council-controlled unformed boat launching areas**

Responsible Council manager: **Reserves Manager**


- (a) Hunter Brown
- (b) Grossis Point
- (c) Tapu Bay
- (d) Stephens Bay
- (e) Pohara road reserve
- (f) Patons Rock
- (g) Parapara
- (h) Puponga



**DATE BYLAW MADE**


This Bylaw was made by the Tasman District Council at a meeting of the Council on the 24th September 2015.

The Common Seal of the Tasman District Council is attached in the presence of:



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**Mayor**



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**Chief Executive**